

# **EXHIBIT F**

# **EXHIBIT F**

**SUMMARY REPORT FORMAT**

**THE FEE SIMPLE ESTATE  
IN THE**

**“AS IS” MARKET VALUE OF  
439.82 GROSS ACRES OF MIXED USE RESIDENTIAL AND GOLF COURSE LAND  
LOCATED WITHIN THE PROPOSED TALISMAN DEVELOPMENT  
HIGHWAY 32, SOUTH OF THE JORDANELLE RESERVIOR  
WASATCH COUNTY, UTAH**

**EFFECTIVE DATE OF THE APPRAISAL**

December 31, 2009

**DATE OF THE REPORT**

February 10, 2010

**DOZIER FILE NUMBER 09-126LHP**

PREPARED FOR

**SPECIALTY TRUST  
ATTN: MR. NELLO GONFIANTINI – III, PRESIDENT AND CEO  
6160 PLUMAS STREET  
RENO, NEVADA, 89509**

**BY**

**Raymond L. Dozier, MAI  
DOZIER APPRAISAL COMPANY  
PALM DESERT, CA 92260**

**DOZIER APPRAISAL COMPANY**  
**Resort and Urban Property Appraisers**  
**Valuation and Financial Consultants**

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February 10, 2010

Specialty Trust  
Attn: Mr. Nello Gonfiantini – III, President and CEO  
6160 Plumas Street  
Reno, Nevada 89509

*RE: “As Is” Market Value Appraisal of 439.82 Acres of Residential and Golf Course Land located within the proposed Talisman Development on Highway 32, south of the Jordanelle Reservoir, Wasatch County, Utah*

Mr. Gonfiantini:

Enclosed is an appraisal I have made of the “As Is” Market Value of 439.82 Acres of residential and golf course land located within the proposed Talisman Development at Highway 32, south of the Jordanelle Reservoir, Wasatch County, Utah.

The purpose of this appraisal is to estimate the “As Is” Market Value Appraisal of 439.82 acres of residential and golf course land, as of the appraiser’s date of inspection December 31, 2009. The total property will be appraised at whatever stage of development as of the effective date of appraisal, December 31, 2009. All elements of a MARKET VALUE sale are to be present in terms of the price upon which a willing and well-informed seller and a willing and well-informed buyer would agree, in the absence of any unusual compulsion on either, and reasonable exposure on the open and competitive market. Reasonable exposure time in MARKET VALUE estimates precedes the specified date (effective date) of the appraisal. MARKET VALUE also assumes an open and competitive market of the property interest being appraised. The function of the appraisal is for loan analysis purposes.

The property rights being appraised are the Fee Simple Interest of all future benefits that may be derived from the property’s present or possible use, except for easements and rights-of-way of record.

To develop this appraisal, Raymond L. Dozier, MAI has made a personal inspection of the subject property. In addition, he has reviewed sales of comparable properties, performed a highest and best use analysis and a land residual analysis and has weighed and compared the data to arrive at the estimated value of the subject property. The effective date of this appraisal is December 31, 2009.

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This report is subject to the enclosed Assumptions and Limiting Conditions, the Certification and the Scope of the Appraisal on Page 15. The following extraordinary assumptions, hypothetical conditions and major highest and best use conclusions are being made:

- At the client's request, the hypothetical condition is being made that the subject property's 439.82 acres which is currently part of the 1,882 acre master planned proposed development (Talisman) will continue to remain as part of the development, now and in the future. (Hypothetical Condition)

Otherwise there are no other extraordinary assumptions or hypothetical conditions regarding this appraisal. Also, this letter of transmittal is not the completed appraisal report but a statement of value conclusions. Users of this appraisal are encouraged to read the completed attached report to reach the appraiser's conclusions via the appraisal process.

The intention of this appraisal report is to comply fully with FIRREA appraisal guidelines, as well as the current Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation; the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. The departure provision shall not apply.

The undersigned does not have any personal interest, either present or contemplated, in the subject property and certifies that fees, received or to be received, for the employment of my services are not contingent on the opinions reported herein. In addition, the undersigned meets the Competency Provision Standard (1.1a, b, and c) as required by USPAP and has the knowledge and experience to complete the assignment competently.

Therefore, based upon my investigation and analysis of the data gathered with respect to this assignment, I have formed the opinion that the "AS IS" MARKET VALUE of the subject property's fee simple interest, as of the effective date December 31, 2009, is measured in the amount of:

**\$15,350,000\* (\$34,901/Acre)**

**(FIFTEEN MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS)**

**Allocated:**

155 Acres of Golf Course Land	\$ 775,000 (\$5,000/Acre)
284.82 Acres Residential Land	<u>\$14,575,000 (\$51,173/Acre)</u>
439.82 Acres Total	\$15,350,000 (\$34,901/Acre)

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\*Based on hypothetical conditions, extraordinary assumptions and major highest and best use conclusions found in the letter of transmittal. If any of the hypothetical conditions, extraordinary assumptions and major highest and best use conclusions proves to be false, the indicated value could be highly.

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Dozier Appraisal Company

Respectfully submitted,  
DOZIER APPRAISAL COMPANY

A handwritten signature in black ink, appearing to read 'RD', is written over a light gray rectangular background.

Raymond L. Dozier, MAI  
State Certified General Real Estate Appraiser  
UT. LICENSE #7218847-CG00  
RLD/09-123 LHP

*DOZIER APPRAISAL COMPANY*

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### **CERTIFICATION**

I certify, that, to the best of my knowledge and belief . . .

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties Involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of stipulated result, or the occurrence of a subsequent event.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- Ms. Lori Pabros, independent contractor, provided significant professional assistance to the person signing this report. Mr. Raymond L. Dozier, MAI, performed final analysis of market data in determining indication of value.
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- I certify that, to the best of my knowledge and belief, the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report I, Raymond L. Dozier, MAI, have completed the requirements of the continuing education program of the Appraisal Institute.



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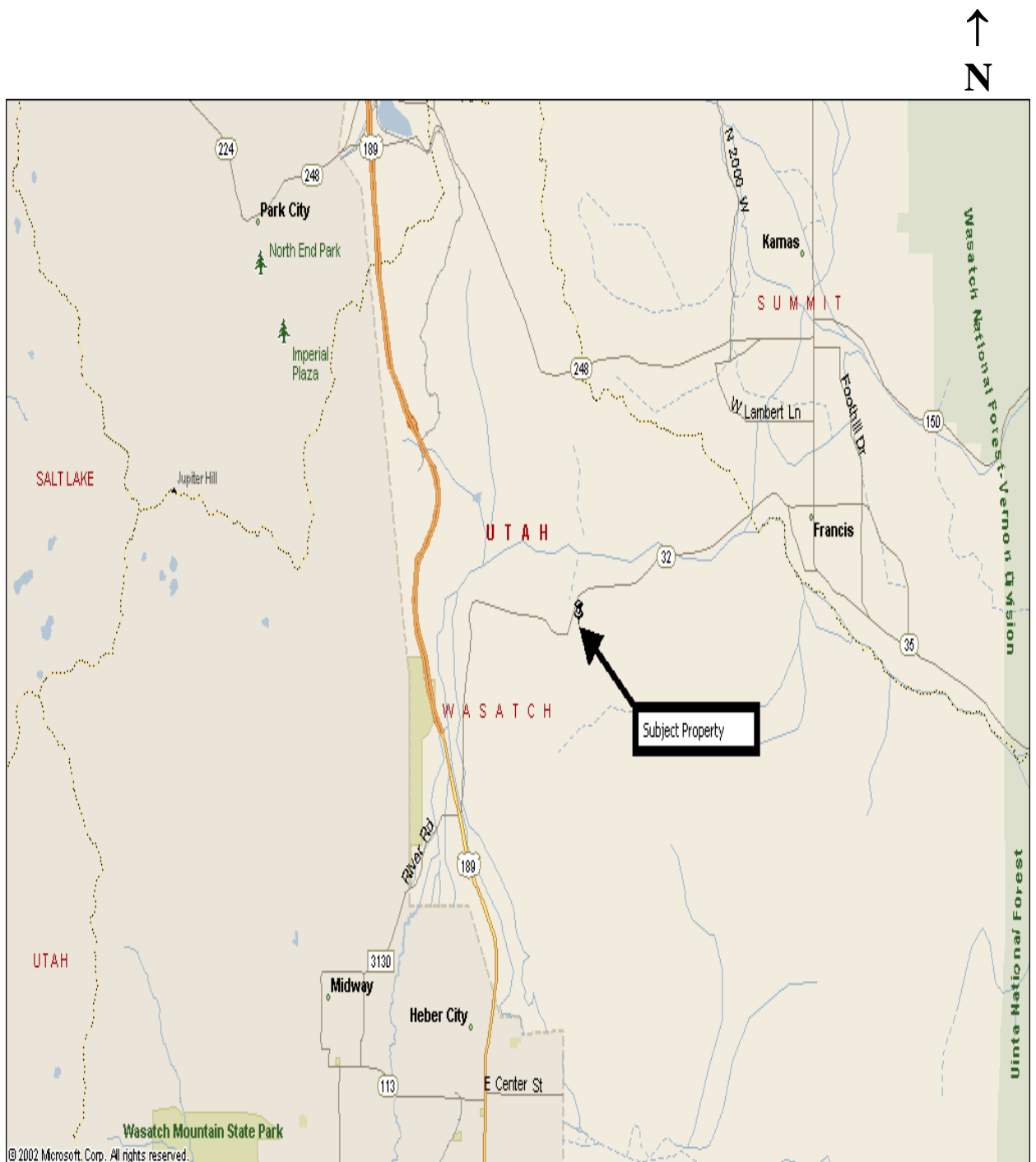
Raymond L. Dozier MAI  
State Certified General Real Estate Appraiser  
UT. License #7218847-CG00

## REGIONAL MAP



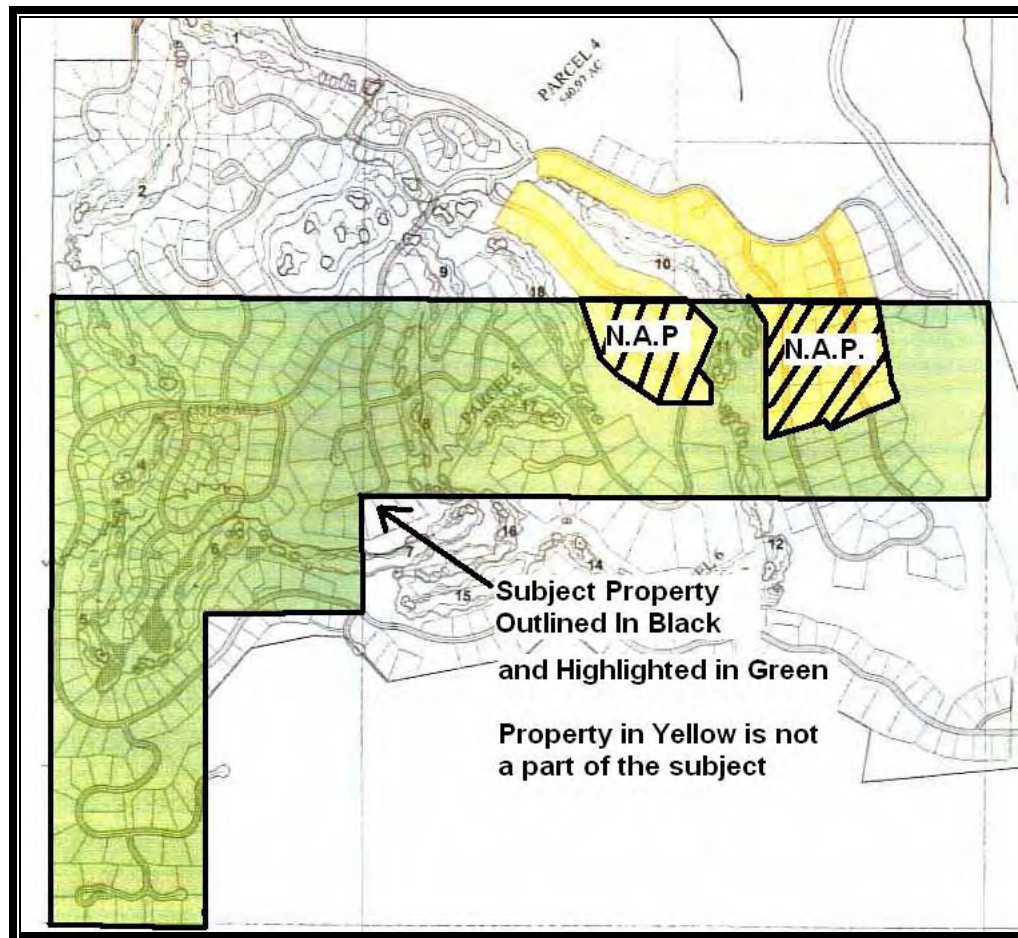


## NEIGHBORHOOD MAP



**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**

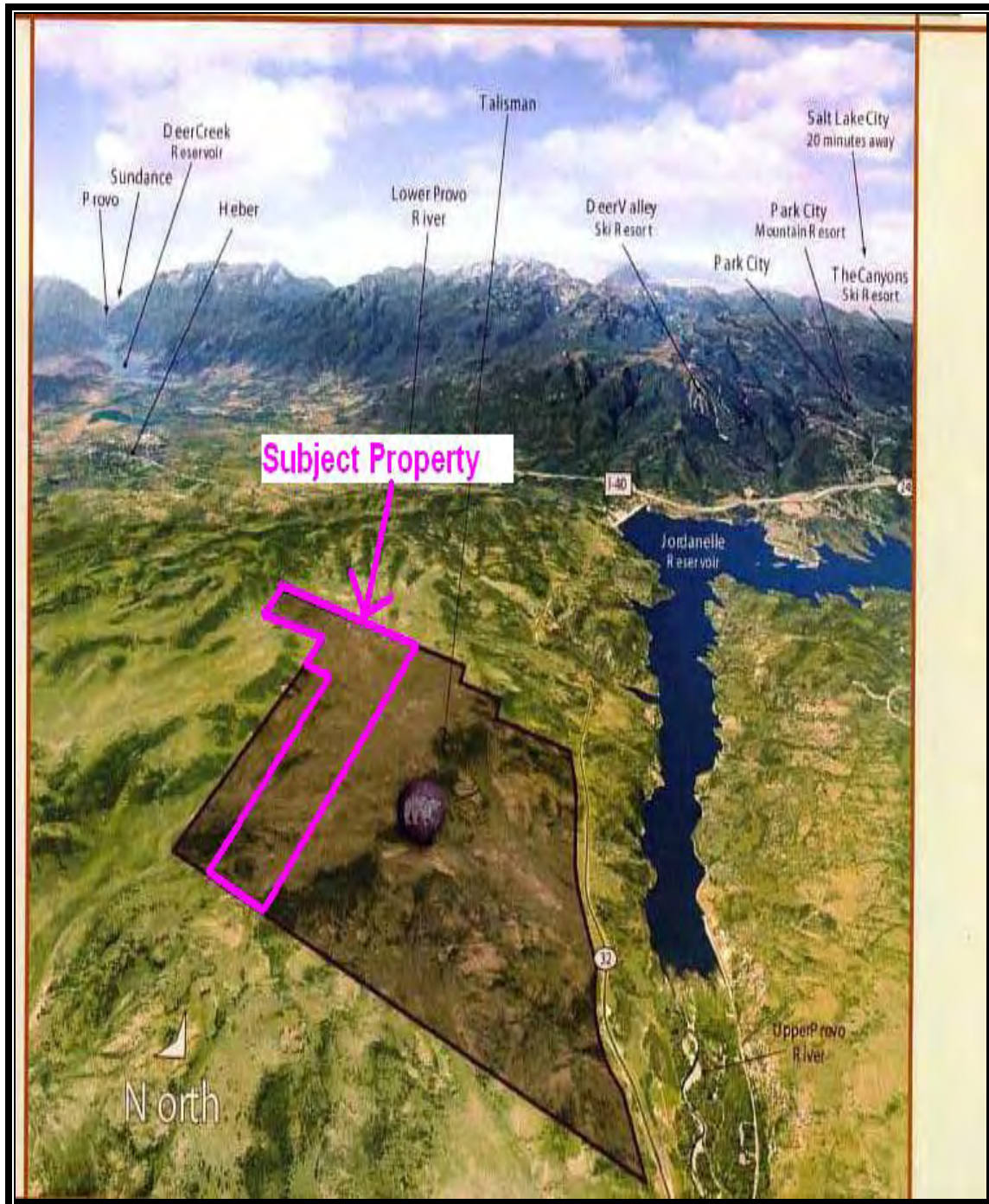
**CONCEPTUAL PLAN**



SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

**AERIAL MAP  
(ENTIRE TALISMAN PROJECT 1,882 ACRES)  
(SUBJECT PROPERTY 439.82 ACRES)**

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**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**

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**SUBJECT PHOTOGRAPHS**



**East View of Talisman Project's Northern Portion along SR 32**



**West View of Talisman Project's Northern Portion along SR 32**

**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**

**SUBJECT PHOTOGRAPHS**



**South View of the subject property**



**South West View of Subject Property**

**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**


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<b>Property Type:</b>	Residential and Golf Course Land
<b>Location:</b>	South of State Route 32, Approximately 6 Miles east of Interstate 40, Wasatch County, Utah
<b>Identification:</b>	439.82 Acre Portion of Section 34 & 35, T2S, R5E
<b>Census Tract Number:</b>	N/A
<b>Purpose of the Appraisal:</b>	The purpose of this appraisal is to estimate the "As Is" Market Value Appraisal of 439.82 acres of residential and golf course land, as of the appraiser's date of inspection December 31, 2009. The total property will be appraised at whatever stage of development as of the effective date of appraisal, December 31, 2009. All elements of a MARKET VALUE sale are to be present in terms of the price upon which a willing and well-informed seller and a willing and well-informed buyer would agree, in the absence of any unusual compulsion on either, and reasonable exposure on the open and competitive market. Reasonable exposure time in MARKET VALUE estimates precedes the specified date (effective date) of the appraisal. MARKET VALUE also assumes an open and competitive market of the property interest being appraised. The function of the appraisal is for loan analysis purposes.
<b>Function of the Appraisal:</b>	The function of the appraisal is for loan analysis purposes.
<b>Scope of the Appraisal:</b>	Complete narrative format adhering to all FIRREA and USPAP Standards; Departure provisions shall not apply.
<b>Property Rights Appraised:</b>	The property rights being appraised are the Fee Simple Interest of all future benefits that may be derived from the property's present or possible use, except for easements, and rights-of-way of record.
<b>Street Frontage:</b>	Nearest Street Frontage is State Route 32
<b>Access:</b>	Nearest Access is State Route 32
<b>Site Size:</b>	439.82 Cross Acres (284.82 Net Acres)
<b>Site Shape:</b>	Rectangular
<b>Visibility:</b>	From Adjacent Parcels
<b>Zoning Wasatch County:</b>	Residential Medium and Low Density (1.5 to 3.5 Equivalent Residential Units per net acre), Golf Course Open Space



## SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

<b>Unavailability of Information:</b>	Information vital to the appraiser in connection with this property was made available from various sources. The appraiser has not been provided a survey, exact boundary lines or acreage, a standard current title report, environment report, soil tests or other relevant data on the subject property. However, estimated costs from the developers have been provided and verified by appraiser from National Costing Services.
<b>Topography:</b>	Mostly Level
<b>Containment in Floodplain:</b>	The subject is located in area outside of 100 year and 500 year flooding
<b>Current Improvements:</b>	A portion of the proposed golf course has been rough graded. Otherwise no improvements on the subject property.
<b>Blows and Area:</b>	No
<b>Utilities:</b>	Utilities appear to be available to adjacent parcels to the north of the subject property along state route 32, but are not warranted for the subject property and capacities are unknown.
<b>Easements:</b>	The subject property is being appraised assuming that there are no easements or encroachments that negatively affect the value to the subject property.
<b>Off Sites:</b>	The nearest off-site improvements are to the north of the subject property along State Route 32.
<b>Toxic Waste:</b>	This report assumes this parcel is not now, nor has ever been contaminated with any form of toxic waste or hazardous substance.
<b>Adjacent Uses:</b>	
<b>North:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>West:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>South:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>East:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)

## SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

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**Deductions and Discounts:**

No deductions or discounts were made in the valuation of the property. Indicated Market Value has not been reduced by the cost of holding or selling the property.

**Highest and Best Use**

- **“As Is” Vacant Land**

It was determined that the highest and best use for the subject property “as is” is to assemble with adjacent properties and hold for near term development ( 3 years) in phases of a mix of uses (i.e. Resort and Residential Development).

- **“As Proposed” Vacant Land**

It was determined that the highest and best use for the subject property “as is” is to assemble with adjacent properties and hold for near term development ( 3 years) in phases of a mix of uses (i.e. Resort and Residential Development). Similar to concept proposed.

**Reasonable Exposure: (Prior)**

8 to 10 months

**Marketing Time (After):**

10 to 12 months

**Most Probable Purchaser:**

Land Speculator or Developer for Land Banking



## SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

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### **Trend Analysis:**

#### **• Regional/City/Neighborhood:**

Wasatch County's favorable environmental, economic, social and governmental forces will contribute to a continued demand for real estate in the area in the long run. This is primarily due to the area's world class ski resorts attracting second home buyers. Recently, the market conditions in the area and across the country have taken a down turn. The following factors have had a negative effect on current market conditions:

- Sub Prime Mortgage lenders have tightened their qualifying requirements, making it very difficult to fund home buyers with less than perfect credit, causing slower absorption in the market.
- Retail activity has slowed in the last 12 months due to the lack of consumer confidence over higher fuel prices, slow real estate markets and job losses in the construction and real estate sectors.
- Mortgage money crunch causing limited funds for purchases of raw land and finished product.
- It is concluded that over the next 12 to 18 months, construction financing will continue to become difficult to obtain for residential developments that are economically feasible. Market demand for these properties should stabilize over the next 18 months with a balancing of supply and demand in the market expected in the next 24 to 30 months.

## SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

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- **Market Participant Future Predictions**

The appraiser's ongoing analysis of the market for these types of properties rejects overly optimistic as well as overly pessimistic predictions by market participants for this class of property. Consequently, somewhere between these two extremes lies the reasonable probability of moderate predictions becoming a reality. These moderate predictions are as follows:

- Current capital crisis will ease within 12 months, making access to capital more obtainable.
- The housing crisis is expected to bottom out the 1<sup>st</sup> Qtr of 2010 and recovering in 2012.
- Price points when housing recovers should obtain 2004 price point highs.
- Commercial Real Estate values are expected to be negatively impacted through 2009 due to the weakening CBMS market. (Commercial Backed Mortgage Securities).
- It was recently determined that the United States has been in a recession since the 4<sup>th</sup> quarter of 2007 and is expected to remain in a recession for the next 15 to 18 months.

**Personal Property, Fixtures, and Intangible Items:**

This report does not include any personal property, fixtures or intangible items.

**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS****I. MARKET VALUE RESULTS**

• “As Is” Market Value (Sales Comparison Approach)	\$15,393,000 (\$34,998/Acre)
• “As Is” Market Value (Land Residual DCF)	\$15,307,000 (\$34,803/Acre)
1. Cost Approach (Bulk or Wholesale)	\$43,814,000 (As of 12/31/09)
2. Aggregate Retail	\$91,016,000 (Prospective as of 12/31/12)
3. Bulk or Wholesale (DCF)	\$35,022,000 (As of 12/31/09)
4. Prospective Bulk or Wholesale (DCF) as of 12/31/12	\$48,961,000 (Prospective as of 12/31/12)
5. Prospective Cost of Production as of 12/31/12	\$48,022,000(Prospective as of 12/31/12)

**II. RECONCILED “AS IS” MARKET VALUE****\$15,350,000 (\$34,901/Acre)****Date of Last Inspection: December 31, 2009****Effective Date of Value Estimate: December 31, 2009****Date of Report: February 10, 2010**

## **PART TWO – FACTUAL DATA**

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### **PURPOSE OF THE APPRAISAL**

The purpose of this appraisal is to estimate the “As Is” Market Value Appraisal of 439.82 acres of residential and golf course land, as of the appraiser’s date of inspection December 31, 2009. The total property will be appraised at whatever stage of development as of the effective date of appraisal, December 31, 2009. All elements of a MARKET VALUE sale are to be present in terms of the price upon which a willing and well-informed seller and a willing and well-informed buyer would agree, in the absence of any unusual compulsion on either, and reasonable exposure on the open and competitive market. Reasonable exposure time in MARKET VALUE estimates precedes the specified date (effective date) of the appraisal. MARKET VALUE also assumes an open and competitive market of the property interest being appraised.

### **THE FUNCTION OF THE APPRAISAL**

The function of the appraisal is for loan analysis purposes.

### **THE SCOPE AND EXTENT OF THE DATA COLLECTION PROCESS**

The following steps were made in arriving at the final estimate of value in the appraisal report:

1. A preliminary search of available resources was made to determine market trends, influences, and other significant factors pertinent to the subject property.
2. A physical inspection of the property was performed. Although due diligence was exercised while at the property, the appraiser is not an expert in such matters as accident or tragic issues; crime issues; legal issues; suit or claim issues; government issues; land use issues; nuisance issues; building issues; repair issues; soil issues; geo-technical issues; hazardous issues; contamination issues; environmental agency issues; natural resource issues; historic or cultural issues; natural hazard issues; and all issues to those known – past, present or proposed. No warranty is given as to these elements. As needed, inspections by various professionals within these fields might be recommended, with the final estimate of value subject to their findings.
3. Research and collection of data from the subject’s competing market area are sufficient in quantity to express an opinion of value as defined herein. Relevant data is contained in this report.

An analysis of the data was completed by applying customary appraisal techniques and following the USPAP standards. The report will be a complete appraisal summary report and will be expected to lead the reader to the same value conclusion as suggested by the appraiser.

### **DATE OF VALUE ESTIMATE**

Site was inspected December 31, 2009 with this date being the effective date of the appraisal. The date of this report is February 10, 2010.

## PART TWO – FACTUAL DATA

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### IDENTIFICATION OF PROPERTY RIGHTS APPRAISED

The property rights being appraised are the Fee Simple Interest of all future benefits that may be derived from the property's present or possible use, except for easements, and rights-of-way of record.

### DEFINITIONS OF VALUE AND PROPERTY RIGHTS

“MARKET VALUE” means: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeable and assuming the price is not affected by undue stimulus.<sup>1</sup> Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated
- Both parties are well informed or well advised, and each acting in what he considers his own best interest
- A reasonable time is allowed for exposure in the open market
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

MARKET VALUE is based on the concept of an open and competitive market in which typical transactions are free of the aspects of duress or forced liquidation.

The REASONABLE EXPOSURE TIME inherent in the MARKET VALUE concept is always presumed to occur PRIOR to the effective date of the appraisal.

The REASONABLE MARKETING PERIOD is an estimate of the amount of time it might take to sell a property interest in the real estate at the estimated market value level during the period IMMEDIATELY AFTER the effective date of the appraisal.

To estimate “Market Value” during a period of very limited market activity is extremely difficult and challenging. The key to the property analysis of sales transactions in comparison to the subject is for circumstances to parallel the definition of MARKET VALUE. To the extent that any of the conditions of a sale differ substantially from the elements in the definition, without appropriate adjustment, the transaction fails as evidence of MARKET VALUE.

During some periods of distressed market conditions, MARKET VALUE may imply a price at which a transaction will not occur until such time as conditions in the market match the definition of MARKET VALUE.

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<sup>1</sup> (Title XI, FIRREA, 34.42 f)

## PART TWO – FACTUAL DATA

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### DEFINITIONS OF VALUE AND PROPERTY RIGHTS (continued)

The term “FEE SIMPLE ESTATE” means: Absolute ownership unencumbered by any other interest or estate subject only to the four powers of government.<sup>2</sup>

The term “LEASED FEE ESTATE” means: A Leased Fee Estate is an ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others; the rights of lessor (the leased fee owner) and the lessee (leaseholder) are specified by contract terms contained within the lease.<sup>3</sup>

MARKET VALUE “As Is” means: “An estimate of market value of a property in the condition observed upon inspection and as it physically and legally exists without hypothetical conditions, assumptions, or qualifications as of the date of inspection. When an “As Is” valuation premise is used, the property is valued as of a specified date, assuming the property is in **precisely** the condition or status it actually was (is) in on the effective date of value. This condition must be accurately described in the appraisal report.”<sup>4</sup>

MARKET VALUE is based on the concept of an **open and competitive market** in which typical transactions are free of the aspects of duress or forced liquidation.

MARKET VALUE “as if complete” on the appraisal date means the market value of a property with all proposed construction, conversion, or rehabilitation hypothetically completed, or under other specified hypothetical conditions, as of the date of the appraisal. With regard to properties wherein anticipated market conditions indicate that stabilized occupancy is not likely as of the date of completion, this estimate of value shall reflect the market value of the property “as if complete and prepared for occupancy by tenants” The as if complete premise assumes that all assumptions are in place as of the date of value.

PARCEL is a mass graded pad which was created in order to create earthwork balances within future subdivision parcels. It would require additional grading and in-tract development prior to building vertical construction, and may require additional mapping and may even require additional entitlements.

BLUE TOP PAD is a lot or a pad which has been graded and certified and is ready for construction. No additional grading is required to construct the building. Streets and utilities are not necessarily constructed.

FULLY ENTITLED Approval of a final map or a parcel map does not in itself confer a vested right to develop. *Avco Community Developers, Inc. v. South Coast Reg’l Comm’n*, 17 Cal 3d 785, 739-94 (1976); *Oceanic Cal., Inc. v. North Cent. Coastal Reg’l Comm’n*, 63 Cal.App. 3d 57, 72-73 (1976); *Consaul v. City of San Diego*, 6 Cal. App. 4<sup>th</sup> 1781, 1793 (1992). Zoning can still be changed, or other police ordinances can be adopted, after even final maps, conditional use permits, PUDs, zoning, rezoning, grading or other permits have been granted. There is no vested right to develop until actual building or other permits for identifiable builds have been issued, and substantial work has been done thereafter in reliance on those permits.

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<sup>2</sup> Title XI, FIRREA, 34.42 {f}

<sup>3</sup> The Appraisal of Real Estate, 12<sup>th</sup> Edition, Appraisal Institute, Page 83

<sup>4</sup> Appraisal Policies and Practices of Insured Institutions and Service Corporations, Federal Home Loan Bank Board, “Final Rule”, 12 CFR Parts 563 and 571, Dec. 21, 1987

**PART TWO – FACTUAL DATA**

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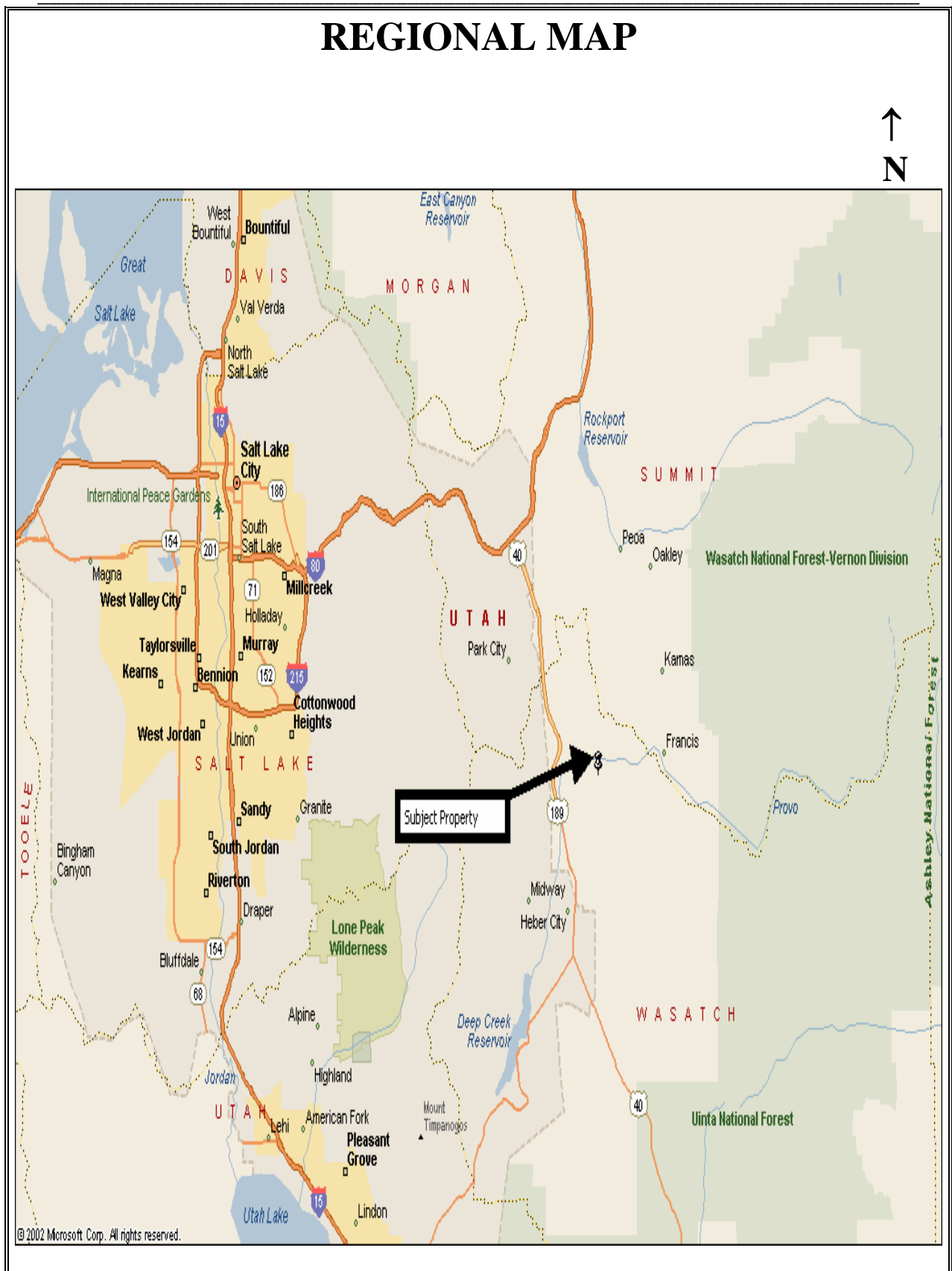
**LEGAL DESCRIPTION AND IDENTIFICATION OF PROPERTY**

<b>Reference:</b>	439.82 Acre Portion of Section 34 & 35, T2S, R5E
<b>Common Address:</b>	No Site Address
<b>Legal Description:</b>	SEE ADDENDUM
<b>Current Ownership:</b>	Prime West Jordanelle, LLC (PWJ Holdings, LLC)
<b>Condition of Title:</b>	No assessment of the condition of the title has been made by the appraiser; but as outlined in the Assumptions and Limiting Conditions, which are part of this report, the property is appraised as if free and clear of any liens and encumbrances.

**HISTORY OF THE SUBJECT PROPERTY**

- The subject property is a 439.82 Acre portion of 1,882 Acre proposed master planned community which was purchased in February 2001 for \$29,500,000 or \$20,351 per acre.
- The subject property's 439.82 acres was included in a total of 1,049.57 acre purchase in February 2006 for \$40,000,000 or \$38,111 per acre.
- Later in the appraisal the reader will note that the current appraised value is \$15,350,000 or \$34,901 Per acre. The difference between the February 2006 purchase price of \$38,111 per acre and the current appraised value of \$34,901 Per acre is due to a change in the subject's highest and best use delaying the developer of the future benefits, i.e. lot sales and profit.

PART TWO – FACTUAL DATA





## REGIONAL AND CITY ANALYSIS

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### Regional, City, Neighborhood Overview

The subject property is located approximately 40 miles south west of Salt Lake City in the area of Northern Utah within the unincorporated area of Wasatch County known as the Jordanelle Basin. Approximately 75 percent of the state population resides within the area of Northern Utah known as the "Wasatch Front" which is the urbanized corridor extending between Provo and Orem to the south and Ogden to the north.

Transportation into the Jordanelle Basin is accommodated by Interstate 40, State Route 32 and State Route 248. Because of the relative ease to commute from one end of the valley to the other, most local residents consider the whole valley as one market area.

To estimate value, an interpretation of how the market views the subject property is analyzed. The scope of the investigation is not limited to static, current conditions. Rather, I have examined trends in the forces that influence value to determine the direction, speed, duration, strength, and limits of these trends.

### A. SOCIAL

Social influences are reflected in the demographic composition of the population base, community preferences, socio-economic issues, availability of cultural and recreation amenities, and the impacts of anticipated change. The U.S. Census Bureau estimated the population of the state of Utah at approximately 2,675,000 with an average increase per year at approximately 2.7 to 3%.

Coachella has grown 8.6% from 2006 to 2007 and is one of the smaller cities in the Coachella Valley with a population of over 38,000. This Overall rates are somewhat misleading, as relatively small increases in a very small base number will result in larger percentage increases.

The median age of Utah residents is estimated at 27 years, which is well below the national average (35 years). School age children (5 to 17) accounted for approximately 23% of the total population. The percentage of the population living below the poverty level is approximately 9.6% which is low than the national average. In addition to permanent residents, one must consider the seasonal residents, and vacation tourists provide a temporary increase.

### B. ECONOMIC

The economic climate of Wasatch County will be analyzed as to the fundamental relationship between current and anticipated supply and demand for property types similar to the subject.

#### **Demand-side economic components include the following:**

#### a. ECONOMIC BASE OF THE REGION AND COMMUNITY:

Wasatch County has five main industries that supply the region with cash from outside the state. The industries include construction, manufacturing, trade, transportation and utilities, financial services, professional and business services and government.

#### b. EMPLOYMENT AND UNEMPLOYMENT ACTIVITY AND REGIONAL SOURCES:

In years past, the unemployment rate has been less than the national average. Due to current national economic conditions, the unemployment rate is expected to increase over the next year.

**REGIONAL AND CITY ANALYSIS**

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**B. ECONOMIC (continued)**

**Demand-side economic components include the following:**

a. COST AND AVAILABILITY OF MORTGAGE CREDIT:

Interest rates currently vary from 4.5% to 8.0% variable and fixed, 25-year amortization with 5 - 20 year due dates. Interest rates vary with the viability of the borrower and the project but mortgage credit is generally available.

**Supply-side economic components include the following:**

a. STOCK OF AVAILABLE LAND

Currently there is more supply than demand for vacant commercial and residential land in the current market.

b. NEW DEVELOPMENTS UNDER CONSTRUCTION OR BEING PLANNED:

There are several new resort/residential developments within and around the subject's district. Victory Ranch located to the east of the subject property is a gated master planned community with a golf course, planned equestrian center and the blue ribbon fly fishing Provo River. Red Ledges is located to the south of the subject property with a golf course and planned equestrian center. Promontory is located within Park City approximately 15 miles north of the subject property which consists of golf course community and resort property. Promontory development is currently in Bankruptcy.

**C. GOVERNMENTAL:**

**1. Public services; fire and police protection, utilities, refuse collection, and transportation networks:**

Utah has historically ranked among the leaders in the nation in governmental services which include management, money, people, infrastructure and information services. Transportation in the area is serviced by Interstate 40, State Route 32 and State Route 248. Transportation by air is serviced by private Herber City airport, Park City airport and international Salt Lake City airport.

The nearby Park City, Utah was the host to the 2002 winter Olympics. This event created a need for improved infrastructure and transit systems within Park City and surrounding areas. The new infrastructure and transit systems created a more efficient means of transportation throughout the Jordanelle Basin area.

**2. Local zoning and building codes:**

Each incorporated city has its own master plan and particular zoning regulations. In addition, portions of the area not within the incorporated area are subject to county zoning. Generally, county zoning regulations are less stringent than the city zoning in the area.

## REGIONAL AND CITY ANALYSIS

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### **3. National, state and local fiscal policy:**

With current volatility in the housing market nationally, the Federal Reserve Board has reduced the interest rates eleven times over the last eleven months to try and ease the “credit crunch” in the housing market. This current financial imbalance has recently shifted to the commercial market as well as the housing mortgage market. The local economy has slowed in growth along with the rest of the nation. The market for single family housing has dropped dramatically, and the forecasts are for continued decline in the residential and commercial market over the next 18 to 24 months.

### **C. ENVIRONMENTAL:**

Both natural and man-made environmental forces influence real property values.

#### **Climatic conditions:**

The subject area has four traditional seasons per year.

#### **Topography and soil:**

The area is surrounded by massive mountain ranges as high as 10,000 feet. Topography is level to mountainous with approximately grade of 5% to 15% on developable land. Soil conditions are adequately stable.

#### **Natural barriers to future developments:**

The mountain ranges surrounding the area are the main barriers for future development. Other barriers that would inhibit development would be the natural preserves designated for wild life. The wind tends to kick up sand at times when velocities exceed 25 mph.

#### **Primary transportation systems-state and federal highways, railroads and airports:**

- a. RAIL – Union Pacific Railroad
- b. TRUCK – Numerous local trucking companies.
- c. OVERNIGHT DELIVERY – UPS, Federal Express, U.S. Postal Service and other carriers
- d. AIR – Salt Lake City International Airport, Park City Municipal Airport, Heber City Municipality Airport.
- e. BUS – Sunline system provides bus service to Coachella Valley communities. Greyhound provides national connections.
- f. HIGHWAYS – Interstate 40, State Route 32, State Route 248.

#### **Nature and desirability of the immediate area surrounding a property:**

The spectacular mountain ranges and world class ski resorts surrounding the area allow most properties an unobstructed view due to the low rise building restrictions throughout the area.

**REGIONAL AND CITY ANALYSIS**

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**E. CONCLUSION:**

Wasatch County's favorable environmental, economic, social and governmental forces will contribute to a continued demand for real estate in the area in the long run. This is primarily due to the area's world class ski resorts attracting second home buyers. Recently, the market conditions in the area and across the country have taken a down turn. The following factors have had a negative effect on current market conditions:

- Sub Prime Mortgage lenders have tightened their qualifying requirements, making it very difficult to fund home buyers with less than perfect credit, causing slower absorption in the market.
- Retail activity has slowed in the last 12 months due to the lack of consumer confidence over higher fuel prices, slow real estate markets and job losses in the construction and real estate sectors.
- Mortgage money crunch causing limited funds for purchases of raw land and finished product.
- It is concluded that over the next 12 to 18 months, construction financing will continue to become difficult to obtain for residential developments that are economically feasible. Market demand for these properties should stabilize over the next 18 months with a balancing of supply and demand in the market expected in the next 24 to 30 months.

REGIONAL AND CITY ANALYSIS

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## The Desert Sun Nov.25, 2009

### New US home sales rise 6.2 percent

ALAN ZIBEL • The Associated Press • November 25, 2009

Sales of new homes rose last month to the highest level in more than a year as strong activity in the South offset weakness in the rest of the country.

The Commerce Department said Wednesday that sales rose 6.2 percent to a seasonally adjusted annual rate of 430,000 from an upwardly revised 405,000 in September.

Economists surveyed by Thomson Reuters had expected a pace of 410,000.

There were 239,000 new homes for sale at the end of October, the lowest inventory level in nearly four decades. At the current sales pace, that's a 6.7 months of supply, down from last winter's peak of more than a year.

"If you're looking for a sign that builders will need to start swinging their hammers again soon, this is it," wrote Mike Larson, real estate analyst at Weiss Research.

The report tallies signed contracts to buy homes, rather than completed sales. Home shoppers in October were acting before lawmakers decided to extend a tax credit for first-time buyers and expand it to some existing homeowners. The credit now covers contracts signed by April 30, and analysts expect it to further the housing recovery in the coming months.

"It's all thanks to the government," said Jennifer Lee, an economist at BMO Capital Markets. Sales are up 31 percent from the bottom in January, but down 69 percent from their peak in July 2005.

The surge in sales was driven entirely by a 23 percent increase in the South. Sales fell about 5 percent in the West and Northeast, and fell 20 percent in the Midwest.

Despite the lack of certainty about the tax credit that buyers faced in October, sales were up 5.1 percent from a year ago, the first yearly increase since November 2005.

The median sales price of \$212,200 was almost even with \$213,200 a year earlier, but up almost 1 percent from September's level of \$210,700.

Last month, Ryder Homes of Nevada Inc. resumed construction on houses at two of its communities around Reno. "We're finding people aren't coming in willing to wait six months," said Rob Dunbar, Ryder's land development manager.

The resale market is also strong. the National Association of Realtors said Monday home resales rose 10 percent from September to October, the biggest monthly increase in a decade. Along with the tax credit, buyers are being attracted by low prices and mortgage rates.

The average interest rate for a 30-year fixed mortgage was 4.78 percent this week, matching a record low set at the end of April, Freddie Mac said Wednesday.

AP Real Estate Writer Alex Veiga contributed to this report.



## REGIONAL AND CITY ANALYSIS

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## How Commercial Real Estate Could Trigger a Double-Dip

CHARLES HUGH SMITH

Posted 2:00 PM 12/31/09 | Economy, Morgan Stanley, Real Estate

Reports that commercial real estate (CRE) is suffering from a double whammy of soaring vacancies and declining valuations have been making news recently with sobering regularity. *DailyFinance* addressed the risks that [CRE meltdowns pose to banks](#) in early December. And in a stunning confirmation, just weeks later Morgan Stanley announced it was "walking away" from [five San Francisco office towers](#), giving them back to the lenders. These accounts address the impacts on real estate investors, banks and [hard-hit locales such as Southern California](#). But a bigger, often-overlooked, risk is the potential for CRE to remain a drag on the U.S. economy for years to come, or its potential to trigger a slide back into recession -- the so-called double dip that many fear.



Getty Images

Four primary factors are behind the tumble in CRE prices -- and they're eerily similar to those that powered the residential housing boom and bust:

- Overbuilding in marginal locales that lacked adequate jobs and services to support massive new commercial construction (malls, hotels, business parks, resorts, etc.)
- Excessive valuations fueled by low interest rates and easy credit
- Highly leveraged bets on future appreciation
- A banking sector that's extremely vulnerable to write-downs and losses from foreclosures

How much have prices tumbled? According to Moody's/REAL Commercial Property Price Index, [CRE prices have plummeted 41% from the peak in 2007](#). Or in many cases, even more. For example, a hotel in Hawaii that sold for \$250 million with a \$230 million mortgage a few years ago is [now only worth about half that amount](#).

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<http://www.dailyfinance.com/story/how-commercial-real-estate-could-trigger-a-double-dip...> 1/13/2010

**REGIONAL AND CITY ANALYSIS**

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**It Starts With the Banks**

In a recent research report, Deutsche Bank analysts expect 75% of current CRE loans won't qualify for refinancing. With more than \$2 trillion in CRE debt maturing from now until 2013, that suggests \$1.5 trillion cannot be "rolled over" into new loans. Part of this crunch stems from the fact that commercial property loans are typically shorter-term than residential mortgages; most common are terms of five to seven years.

Of course, speculators aren't the only ones who are losing big. The banks that provided the mortgages are in trouble, too -- and that's where the problems in CRE can start weighing down the entire U.S. economy.

Over the next few years, the Deutsche Bank analysts estimate CRE losses to lenders of \$200 billion to \$300 billion. With banks already reeling from losses stemming from U.S. residential real estate's 30% decline from its 2006 peak of \$20 trillion (a value set by Federal Reserve data), the analysts believe that "hundreds of banks, mainly smaller community and regional banks, are likely fail." These losses will hit vulnerable regional banks especially hard because they loaded up on commercial loans in recent years.

**Don't Bet on Another Bailout**

Will the banking sector once again require taxpayer bailouts as these huge losses start draining regional banks' reserves, pushing them toward insolvency? It's unlikely the public will support another TARP-type rescue. It's perhaps even more unlikely that politicians will risk their careers in an election year by supporting yet another massive bailout of lenders that knew -- or should have known -- the risks inherent in highly leveraged CRE loans.

What will happen as banks absorb billions of dollars in new losses, thanks to the meltdown of CRE? They'll have much less money to lend to other borrowers. And that contraction of credit in a fragile economy could trigger a double-dip recession. Anyone believing that banks are "on the road to recovery" hasn't factored in the hundreds of billions of dollars in CRE losses forecast by industry analysts.

Property values are another problem. In that area, CRE faces significant structural headwinds to a recovery. Perhaps the single most important one is the contraction of the consumer economy that supported seemingly endless expansion of malls and other retail space. Consumers' net worth has fallen by about \$12 trillion, their incomes are either flat or declining, taxes are rising across the board (income, sales, property, etc.) and baby boomers face the generational task of saving far more for their retirement than seemed

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## REGIONAL AND CITY ANALYSIS

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necessary at the top of the housing bubble.

That boils down to less money available to spend on discretionary goods and services, and hence less demand for retail space and for resorts and hotels.

### **Cyberspace Means Less Commercial Space**

The steady growth of Internet shopping also saps the demand for bricks-and-mortar retail space. Web-based shopping has already reordered the bookselling industry and is well on the way to permanently reducing demand for other retail outlets.

Beyond retailing, the Net is also transforming demand for office space, as increasing numbers of knowledge workers telecommute from home, cafés or other decentralized locations. That means less need for office cubicles -- and for conference rooms, considering that teleconferencing and other Web-based communications are eroding the old model of business travel and meetings. This also means less demand for business-related hospitality services, such as hotels and restaurants.

Add these structural headwinds to the unavoidable heavy losses and write-downs facing CRE lenders, and you get a recipe for a major drag on lending, banking profits, property taxes, employment, construction and all the other sectors of the economy.

Whether these forces will tip the U.S. into a double-dip recession depends on many other factors, but they certainly have the potential to add to the contraction of credit that's bedeviling wide swaths of the economy. And we all know what happens when credit disappears.

<http://www.dailyfinance.com/story/how-commercial-real-estate-could-trigger-a-double-dip...> 1/13/2010



PART TWO – FACTUAL DATA – (Continued)



**PART TWO - FACTUAL DATA** (continued)**ZONING**

The property is located in the unincorporated area of Wasatch County known as Jordanelle Basin. The subject property is included in the master planned community known as Talisman and has a general plan land use designation of Residential (Medium to Low Density) and golf course open space.

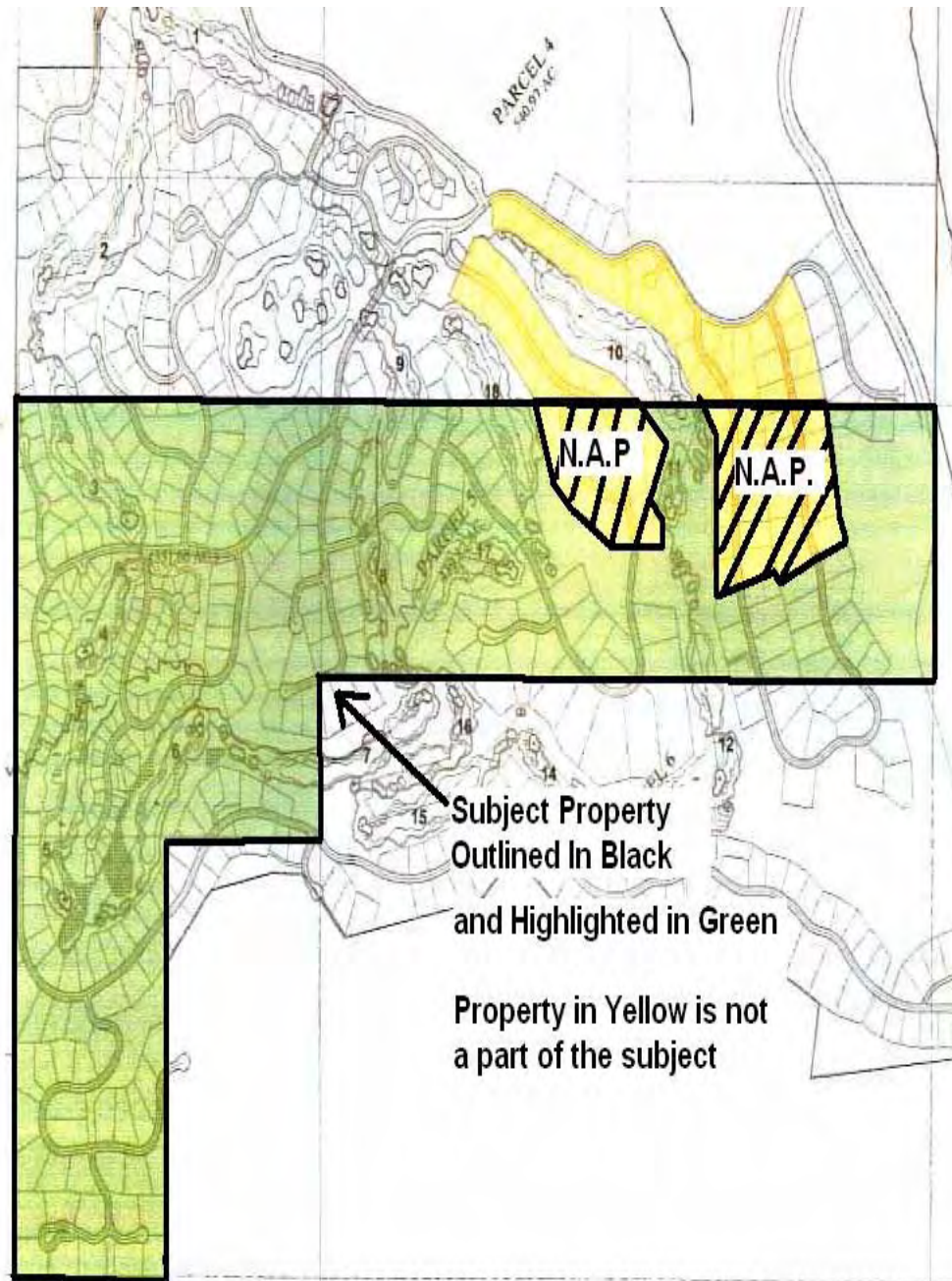
**TAX AND ASSESSMENT DATA AND ANALYSIS****ESTIMATED 2009-2010 PROPERTY TAX AT APPRAISED VALUE**

Estimated Value	\$15,350,000
X Tax Rate/100	0.9367
Assessed Taxes	\$143,783
Special Assessments	Included
<b>TOTAL ESTIMATED PROPERTY TAXES</b>	<b>\$162,049</b>

The tax rate for 2009-2010 fiscal year is considered typical for comparable locations throughout the subject district and Wasatch County.

**PART TWO - FACTUAL DATA** (continued)

## CONCEPTUAL PLAN





**PART TWO - FACTUAL DATA (continued)**

**AERIAL MAP  
(ENTIRE TALISMAN PROJECT 1,882 ACRES)  
(SUBJECT PROPERTY 439.82 ACRES)**

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**PART TWO - FACTUAL DATA (continued)**

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**SITE DATA**

<b>Location:</b>	South of State Route 32, approximately 6 miles east of Interstate 40
<b>Census Tract Number:</b>	N/A
<b>Assessment District:</b>	No
<b>Access:</b>	Property has future access from State Route 32 and proposed private street within the development.
<b>Zoning:</b>	Residential Medium and Low Density/ Golf Course/Open Space
<b>Cross Streets:</b>	Nearest cross streets are Interstate 40 & State Route 32
<b>Accessibility / Visibility:</b>	The subject property has accessibility and visibility from adjacent properties
<b>Support Facilities:</b>	Average – The subject property is approximately ten to twelve miles distance of goods and services.
<b>Topography:</b>	Varies from level to steep slopes
<b>Surface Drainage:</b>	Appears adequate
<b>Soils:</b>	A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.
<b>Subsoil Conditions:</b>	It is assumed that there are no hidden or unapparent conditions to the property, soil, or subsoil, which would render them more or less valuable. Subsurface oil, gas or mineral rights were not considered in this report unless otherwise stated.
<b>Seismic Data:</b>	The subject property does not appear to be located within a liquefaction hazard area or near any major earthquake fault lines.
<b>Archeological Site:</b>	No visual evidence of archaeological significance. (See Scope and Extent of Data Collection Process in page 17 of this report.)
<b>Wetland Area:</b>	No

**PART TWO - FACTUAL DATA** (continued)

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<b>Wildlife:</b>	The subject does not appear to be located within a conservation area.
<b>Noise:</b>	None noted
<b>Elevation Variation:</b>	The subject property is approximately 6,500 feet above sea level with the highest elevations at the mountain peaks at approximately 10,000 feet.
<b>Street Improvements:</b>	State Route 32 is a two lane paved road. Otherwise there are no current street improvements.
<b>Easements:</b>	There are no known nuisances, hazards, encroachments or easements that appear to have a negative effect on value. All existing utility easements are presumed to be in existence and within normal setback lines.
<b>Airport Sphere of Influence:</b>	No
<b>Utilities:</b>	All utilities appear to be available to nearby sites along State Route 32, but are not warranted for the subject property and capacities are unknown.
<b>School District:</b>	Wasatch School District
<b>On – Site Improvements:</b>	Golf Course is partially rough graded.
<b>Off-Site Improvements:</b>	Utilities are located along State Route 32 which is a two lane paved road,
<b>Adjacent Uses:</b>	
<b>North:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>West:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>South:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>East:</b>	Vacant Mixed Use Land (Future Talisman Master Planned Community)
<b>Flood Plain:</b>	The subject is located in area outside of 100 and 500 year flooding
<b>Unit of Comparison:</b>	Price per gross acre.
<b>Relationship to and conformity with surroundings:</b>	Good
<b>Functional adequacy:</b>	Average

**PART TWO - FACTUAL DATA** (continued)

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<b>Allowable Uses in the District:</b>	Commercial/Resort/Golf Course; Low and Medium Density Residential
<b>Major Flaws in the Site:</b>	Although the subject property is included in the Talisman Master Planned Community, if the property were considered as a stand alone parcel there would be access issues.
<b>Environmental:</b>	It is assumed that there are no potentially hazardous materials (i.e. toxic waste) resulting from past use of the property, construction or maintenance of any of the buildings. Such a condition may or may not be present. The appraiser is not qualified to detect such substances. Therefore, if desired, the client should retain an expert in the field.
<b>Comments:</b>	The physical and functional characteristics of the subject parcel meet the desires and standards of typical purchasers in the market. Overall the site has a good location compared to competing sites in the market. Unfortunately, due to current negative residential and commercial market conditions it is not economically feasible to develop the residential lots into vertical dwellings nor is it economically feasible to develop the commercial portion of the subject property.

## THE HIGHEST AND BEST USE

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Highest and best use is defined as “that reasonable and probable use that supports the highest present value, as defined, as of the effective date of the appraisal.” Alternatively, that use from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in highest land value.

“The definition immediately above applies specifically to the highest and best use of land. It is to be recognized that in cases where a site has existing improvements on it, the highest and best use may very well be determined to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use...” “Implied within these definitions is recognition of the contribution of that specific use to community environment or to community development goals in addition to wealth maximization of individual property owners. Also implied is that the determination of highest and best use results from the appraiser’s judgment and analytical skill, i.e., that the use determined from analysis represents an opinion, not fact to be found. In appraisal practice, the concept of highest and best use represents the premise upon which value is based.”<sup>1</sup>

Highest and best use of a property is typically discussed as both vacant and as currently improved or proposed. In addition, there is discussion about the ideal improvement the property could support as indicated in the neighborhood analysis of this report. This ideal improvement can then be compared to the proposed buildings for differences that would affect value.

### A. HIGHEST AND BEST USE ANALYSIS (As Is – Vacant Land)

#### 1. Legally Permissible:

The subject property is located in the unincorporated area of north Wasatch County known as the Jordanelle Basin. Current zoning for the subject property is Low and Medium Density Residential and Golf Course Open Space. The property is part of Talisman Master Plan which is fully entitled and included in the Wasatch County Comprehensive Plan.

#### 2. Physically Possible:

The Site Data and Improvement Data sections of this report displayed detailed characteristics of the site. The subject property consists 439.82 acres of residential and golf course land. The subject property is included in the Talisman Master Plan. If the property were considered a stand alone parcel, there would physical limits to development including access and utilities. The above mentioned legally permissible uses would also be physically possible.

#### 3. Financially Feasible:

The Regional/City and Neighborhood Sections earlier in this report discussed current and expected supply and demand for vacant parcels in the region and the immediate vicinity of the subject property. The current markets (residential land and improved property) are unstable and may continue to remain unstable for the next 6 to 12 months. The over supply of Residential lots and dwellings is expected to be absorbed in approximately 18-24 months. Later in the appraisal the reader will note that the current Bulk or Wholesale Market Value \$35,022,000 is less than the cost of production \$43,814,000 making it financially infeasible to develop the subject property at this time.

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<sup>1</sup> Byrl N. Boyce, Ed., Real Estate Appraisal Terminology (Cambridge, Mass: Ballinger Publishing Company, 1981), pp. 126-127.



## THE HIGHEST AND BEST USE

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### A. HIGHEST AND BEST USE ANALYSIS (As Is – Vacant Land)

#### 4. Maximally Productive:

In the final analysis, a determination must be made as to which physically possible and legally permissible use would produce a financially feasible use that generates the highest net return on the land for the longest period of time. An analysis of every possible use for the subject property that might be approved by local government during the site specific planning is beyond the scope of this report.

The subject site is in the path of development and has average access and visibility. The maximally productive use would be to hold for future development, until the existing finished lots in the district are absorbed (24 months) and then start the development of the finished lots in phases (30 to 40 lots per phase) along with the golf course construction

#### 5. Conclusion:

Later in the report the reader will note that the test for economic feasibility to immediately start development is whether the bulk or wholesale market value is equal to or greater than the cost of production. In the subject's case, it proved to be infeasible to begin to develop the subject property at the present time.

### B. THE IDEAL IMPROVEMENT

The ideal improvement would be single family residential dwellings on individual lots which conform to the density requirement of Wasatch County and a signature design golf course

### C. HIGHEST AND BEST USE ANALYSIS (As Proposed)

#### 6. Legally Permissible:

The subject property is located in the unincorporated area of north Wasatch County known as the Jordanelle Basin. Current zoning for the subject property is Low and Medium Density Residential and Golf Course Open Space. The property is part of Talisman Master Plan which is fully entitled and included in the Wasatch County Comprehensive Plan.

### C. HIGHEST AND BEST USE ANALYSIS (As Proposed)

#### 7. Physically Possible:

The Site Data and Improvement Data sections of this report displayed detailed characteristics of the site. The subject property consists 439.82 acres of residential and golf course land. The subject property is included in the Talisman Master Plan. If the property were considered a stand alone parcel, there would physical limits to development including access and utilities. The above mentioned legally permissible uses would also be physically possible.

## THE HIGHEST AND BEST USE

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### C. HIGHEST AND BEST USE ANALYSIS (As Proposed)

#### **8. Financially Feasible:**

The Regional/City and Neighborhood Sections earlier in this report discussed current and expected supply and demand for vacant parcels in the region and the immediate vicinity of the subject property. The current markets (residential land and improved property) are unstable and may continue to remain unstable for the next 6 to 12 months. The over supply of Residential lots and dwellings is expected to be absorbed in approximately 24-30 months. Later in the appraisal the reader will note that the current Bulk or Wholesale Market Value is less than the cost of production making it financially infeasible to develop the subject property at this time.

#### **9. Maximally Productive:**

In the final analysis, a determination must be made as to which physically possible and legally permissible use would produce a financially feasible use that generates the highest net return on the land for the longest period of time. An analysis of every possible use for the subject property that might be approved by local government during the site specific planning is beyond the scope of this report.

The subject site is in the path of development and has average access and visibility. The maximally productive use would be to hold for future development, until the existing finished lots in the district are absorbed (24 months) and then start the development of the finished lots in phases (30 to 40 lots per phase) along with the golf course construction with price points of lots in the \$325,000 to \$500,000 range

#### **5. Conclusion:**

Later in the report the reader will note that the test for economic feasibility to immediately start development is whether the bulk or wholesale market value is equal to or greater than the cost of production. In the subject's case, it proved to be infeasible to begin to develop the subject property at the present time. Further discounted cash flow analyses indicated the property should be held for two years with construction beginning in 2011 and finished product entering the market in 2012. This timing proved to be true because the prospective bulk or wholesale market value \$48,961,000 is greater than the prospective cost of production \$48,022,000.

## **APPRAISAL METHODOLOGY**

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### **APPRAISAL METHODOLOGY**

Every real property is different and there are many types of value that can be estimated for any real property. For this appraisal assignment, the appraiser is estimating the market value of the subject property as of December 31, 2009. The definition of Market Value has been defined in the Purpose of the Appraisal section of this report. The subject property and type of value desired have been identified and so the appraisal problem has been defined.

In the appraisal process, it is my intention to present a properly supported value conclusion for the subject property. The market data, analysis, and conclusions presented in the report guide a reader in reaching a similar value conclusion as the appraiser.

In the LAND VALUE SECTION of an appraisal report, market data and other information pertaining to land value are presented along with an analysis of the data and reasoning that lead to the land value estimate. The factors that affect land value should be presented in a clear and precise manner. The narrative should lead the reader to the land value estimate.

Depending on a specific appraisal assignment, any of the following six methods may be used to value land.

1. Sales Comparison
2. Allocation
3. Extraction
4. Subdivision Development
5. Land Residual
6. Ground Rent Capitalization

In the COST APPROACH, and estimated reproduction or replacement cost of the building and land improvements "as if completed" as of the date of the appraisal is developed, together with an estimate of the losses in value that have taken place due to design and plan on neighborhood influences. To the depreciated building cost estimate, entrepreneurial profit and the estimated value of the land are added. The total represents the value indicated by the cost approach.

In the SALES COMPARISON APPROACH, the subject property is compared to similar properties that have been sold recently or for which listing prices or offering figures are known. Data for generally comparable properties are used and comparisons are made to demonstrate a probable price at which the subject property would be sold if offered on the market.

In the INCOME CAPITALIZATION APPROACH, the "as if complete" rental income to the property is shown with deductions for vacancy and collection loss and expenses. The prospective net operation income of the property is estimated. To support this estimate, comparable properties may be reviewed along with available operation cost estimates. An applicable capitalization method and appropriate capitalization rates are developed and used in computations that leads to value indications.

In the LAND RESIDUAL METHOD of land valuation is simply an extension of the previously indicated approaches and feasibility. Subtracting the hard and soft costs of development, as well as the developer's profit, from the present value of the future benefits indicates a residual to raw vacant land. The Land Residual Method is a good check of the results from previous value approaches.

## **APPRAISAL METHODOLOGY**

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### **APPRAISAL METHODOLOGY (continued)**

1. The sales comparison approach will be used to determine the “as is” market value of the subject property.
2. Next, Individual Land Residual Techniques will be used to determine the “as is” market value of the subject property.
3. In the cost of production, it was determined that it would be practical for the owner of the subject property to donate 155 acres of proposed golf course land to the adjacent property owner who will be developing an 18 hole golf course. This will substantially enhance the subject’s 124 proposed lots that will overlook golf course fairways. The adjacent golf course builder will essentially lose approximately 27% of the golf course costs of \$12,500,000 after selling memberships. Therefore, the per lot loss that the adjacent developer will suffer results in a per lot cost of \$12,600 (267 total golf course lots for the subject and adjacent parcels). The adjacent property owner would want the subject property owner to contribute \$12,600 per lot less the contributory value of the 155 acre contribution for golf course development or a total contribution for the subject property owner of \$6,350 per golf course lot. (124 lots for the subject property).
4. The Sales Comparison Approach and the Land Residual Technique results will be reconciled into a final “as is” market value.

## LAND SALES COMPARISON

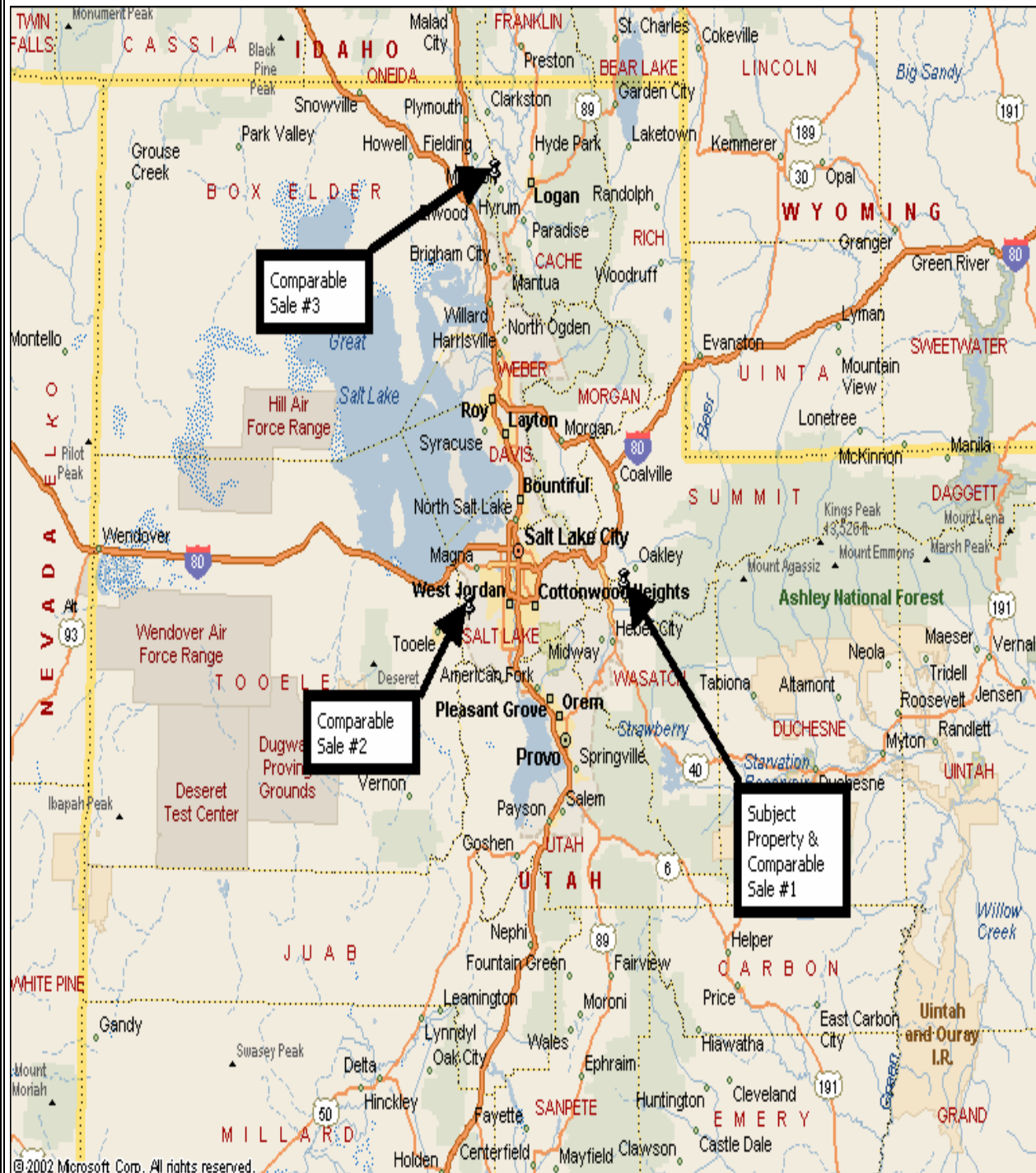
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### **I. Sales Comparison Approach for 439.82 Acres (Fee Simple)**

I have searched the market for similar land sales and listings in the subject's district and have specifically researched those areas near the subject property. Special emphasis was given to sales that were considered competitive with the subject property. I have judged that the following sales will offer objective support for the value of the subject property.

Following is the physical data of these sales along with the comparison grid and the appraiser's analysis of adjustments made in the grid.

## COMPARABLE LAND SALES MAP (FEE SIMPLE)



<b>LAND SALE COMPARISON #1</b>
--------------------------------

<b>Location:</b>	Aspens at Jordanelle SR 32, Jordanelle Basin, Utah
<b>Identification:</b>	Assessor's Parcel Numbers: # OWC 0456, 0457, 0179, 0181, Wasatch County
<b>Date of Sale:</b>	February 2006
<b>Documentation:</b>	Instrument No. N/A Official Records, Wasatch County, Utah.
<b>Buyer:</b>	Prime West Elko, LLC
<b>Seller:</b>	Aspens at Jordanelle
<b>Sale Price:</b>	\$40,000,000
<b>Property Rights Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Conventional
<b>Cash Equivalency:</b>	\$40,000,000
<b>Conditions of Sale:</b>	Arms Length
<b>Market Conditions:</b>	Good
<b>Site Size:</b>	1,049.57 Acres
<b>Access:</b>	Good
<b>Topography:</b>	Level to Sloping
<b>Building Improvements:</b>	None
<b>Utilities:</b>	Public utilities appear to be available to the site
<b>Zoning:</b>	Mixed Use Master Plan
<b>Price Per Acre:</b>	\$38,111/Acre

<b>LAND SALE COMPARISON #1 CONT'D.</b>
----------------------------------------

**Present Use at Time  
of Sale:**

Vacant Land

**Highest and Best Use:**

Hold for Near Term Development

**Verification:**

Loopnet; Broker

**Comments:**

This property is larger in size than the subject  
Property and has similar zoning. This property is located  
within the proposed Talisman Community.



## COMPARABLE LAND SALE #1 PARCEL MAP

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<b>LAND SALE COMPARISON #2</b>
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<b>Location:</b>	100 North, 3500 West, Tremonton, Box Elder County Utah
<b>Identification:</b>	Assessor's Parcel Number N/A Box Elder County, Utah.
<b>Date of Sale:</b>	August 2007
<b>Documentation:</b>	Documentation Number, N/A
<b>Buyer:</b>	N/A
<b>Seller:</b>	N/A
<b>Sale Price:</b>	\$1,450,000
<b>Property Rights Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Cash
<b>Cash Equivalency:</b>	\$1,450,000
<b>Conditions of Sale:</b>	Arms length transaction.
<b>Market Conditions:</b>	Good
<b>Site Size:</b>	100 Acres
<b>Access:</b>	Good
<b>Topography:</b>	Level to Sloping
<b>Building Improvements:</b>	None
<b>Utilities:</b>	All public utilities appear to be available to the sight But not warranted.
<b>Zoning:</b>	Residential
<b>Unit Price Acre:</b>	\$14,500/Acre

<b>LAND SALE COMPARISON #2 CONT'D.</b>
----------------------------------------

**Present Use at Time  
of Sale:**

Vacant Land

**Highest and Best Use:**

Hold for Near Term Development

**Verification:**

Loop Net; Broker

**Comments:**

This property is smaller in size and has residential zoning. This property is located in an inferior neighborhood when compared to the subject property. This property was sold without entitlements.

## COMPARABLE LAND SALE #2 MAP



<b>LAND SALE COMPARISON #3</b>
--------------------------------

<b>Location:</b>	700 S. Loafer Canyon, Woodland Hills, UT
<b>Identification:</b>	Assessor's Parcel Number N/A Utah County, UT
<b>Date of Sale:</b>	June 2009
<b>Documentation:</b>	Grant Deed recorded as Instrument N/A
<b>Buyer:</b>	N/A
<b>Seller:</b>	N/A
<b>Sale Price:</b>	\$350,000
<b>Property Rights Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Cash
<b>Cash Equivalency:</b>	\$350,000
<b>Conditions of Sale:</b>	Arms length transaction.
<b>Market Conditions:</b>	Good
<b>Site Size:</b>	19.5 Acres
<b>Access:</b>	Good
<b>Topography:</b>	Level to Sloping
<b>Building Improvements:</b>	None
<b>Utilities:</b>	All public utilities appear to be available to the site
<b>Zoning:</b>	Residential
<b>Unit Price Per Acre:</b>	\$17,949/Acre

<b>LAND SALE COMPARISON #3 CONT'D.</b>
----------------------------------------

**Present Use at Time  
of Sale:**

Vacant Residential Land

**Highest and Best Use:**

Hold for Near Term

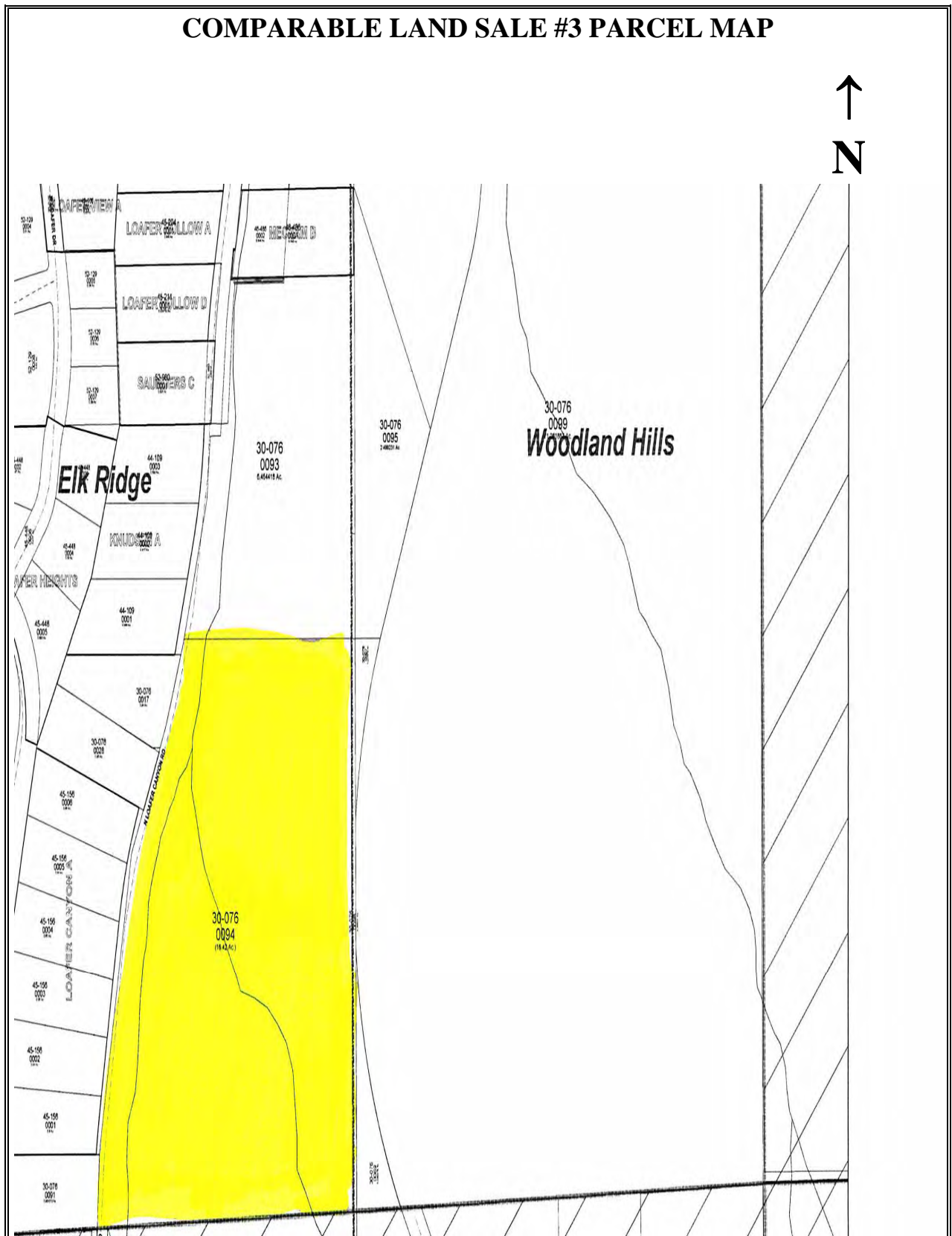
**Verification:**

Loopnet; Broker

**Comments:**

This property is smaller than the subject property. This property has an inferior neighborhood reputation and was sold with without entitlements.





**LAND SALES COMPARISON GRID (FEE SIMPLE ) AS OF 12/31/2009**

FACTOR	SUBJECT	NO. 1		NO. 2		NO. 3	
Location	Talisman Project Jordanelle Basin Utah	Aspens at Jordanelle Jordanelle Basin		1000 North; 3500 West Tremonton, UT		Loafer Canyon Woodland Hills, UT	
Date of Sale	12/31/09	2/06		8/07		6/09	
Sale Price	\$15,392,820	\$40,000,000		\$1,450,000		\$350,000	
Size (Acres)	439.82 Gross Acres	1049.57Gross Acres		100 Gross Acres		19.50 Gross Acres	
Price Per Acre	\$34,998	\$38,111		\$14,500		\$17,949	
CHARACTERISTIC SUBJECT							
Property Rights	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Financing Terms	Cash	Cash		Cash		Cash	
Conditions of Sale	Arm's Length	Arm's Length		Arm's Length		Arm's Length	
Market Conditions	Negative	Less Negative	(20%)	Less Negative	(10%)	Negative	-0-
Adjusted Price SF	\$34,998	\$30,433		\$13,050		\$17,949	
PHYSICAL ADJUSTMENTS							
Size	439.82	1,049.57 Acres	+4,565	100 Acres	(1,305)	19.50 Acres	(2,692)
Shape	Rectangular	Rectangular	-0-	Rectangular	-0-	Rectangular	-0-
Location	Good	Good	-0-	Inferior	+1,305	Similar	+1,795
View	Good	Similar	-0-	Inferior	+1,958	Inferior	+2,692
Topography	Level/Sloping	Similar	-0-	Similar	-0-	Similar	-0-
Zoning	Mixed Use Residential/ Golf Course	Similar	-0-	Residential	+1,305	Residential Only	+1,795
Off-Sites/Utilities	No	Similar	-0-	Similar	-0-	Similar	-0-
Access	Average	Similar	-0-	Similar	-0-	Similar	-0-
Entitlements	Yes	Yes	-0-	No	+13,459	No	+13,459
Highest & Best Use	Hold Near Term Development	Similar	-0-	Similar	-0-	Similar	-0-
City Reputation	Good	Similar	-0-	Inferior	+5,226	Similar	-0-
ADJUSTMENTS							
Size	+15%, (10%),(15%)	34,998		11,745		15,257	
Location	+10%	34,998		13,050		17,052	
View	+15%	34,998		15,008		19,744	
Zoning	+10%	34,998		16,313		21,539	
City Reputation (Inferior 2 & 3)	+5,226	34,998		21,539		21,539	
Entitlements 1 & 2	+13,459	34,998		34,998		34,998	
Net Adjustment		+4,565		+21,948		+17,049	
Adjusted Unit Price	\$34,998	\$34,998		\$34,998		\$34,998	
WEIGHTED VALUES							
Reliability (1-10)		8		8		8	
Contribution (%)		0.333		0.333		0.333	
Contribution (\$)	\$34,998	\$11,666		\$11,666		\$11,666	

**ANALYSIS AND CONCLUSION (continued)****I. Comparable Land Sales Analysis (continued)**

“The sales comparison approach may be used to value land that is actually vacant or land that is being considered as though vacant for appraisal purposes. Sales comparison is the most common technique for valuing land and it is the preferred method when comparable sales are available. To apply this method, sales of similar parcels of land are analyzed, compared and adjusted to provide a value indication for the land being appraised. In the comparison process the similarity or dissimilarity of the parcels is considered.”<sup>2</sup>

Adjustments to each of the sales is required for significant differences which effect value. “The order in which quantitative adjustments are applied to the sale prices of comparable properties” is called the sequence of adjustments. “The sequence of adjustments is determined by the market and through analysis of the data.”<sup>3</sup> Using the sequence, the appraiser obtains intermediate price figures and applies succeeding adjustments to each previously adjusted price. The adjustments applied to the price of a comparable property reflect the sale’s superiority or inferiority in regard to the real property rights conveyed, financing, conditions of sale, market conditions, location, and physical characteristics.

There are “basic elements of comparison that should always be considered in Sales Comparison Analysis”<sup>4</sup> and other physical differences. All of the sales sold as fee simple estates as arm’s length transactions and therefore, adjustments were not required for these aspects.

**1. Property Rights, Financing Terms and Conditions of Sale:**

All comparable site sales were sold or listed as Fee Simple Estates. Financing terms for the sales represented cash or its equivalent to the sellers. Lastly, Conditions of Sale were based on an arm’s length basis. These three characteristics of the sale properties are equal to the assumptions being applied to the subject property. Consequently, no adjustments were necessary for these three characteristics of the sale properties.

**2. Time and Market Conditions:**

Market Value estimates assume an open and competitive marketplace. Current market conditions leading up to the date of appraisal have been a period of increasing market activity. Proper analysis of sales transactions in comparison to the subject is for circumstances to parallel the definition of Market Value. To the extent that any of the conditions of a sale differ substantially from the elements in the definition, without appropriate adjustment, the transaction fails as evidence of Market Value.

The subject property is being appraised during negative market conditions. All three Comparable Land Sales were also sold during negative market conditions. Comparable Sale #1 & #2 were sold during less negative market conditions. Therefore, adjustments were made according to dates of sale.

<sup>2</sup> The Appraisal of Real Estate, 12<sup>th</sup> Edition, (Chicago: Appraisal Institute, 2001), Page 337

<sup>3</sup> The Appraisal of Real Estate, 12<sup>th</sup> Edition, (Chicago: Appraisal Institute, 2001), Page 443

<sup>4</sup> The Appraisal of Real Estate, 12<sup>th</sup> Edition, (Chicago: Appraisal Institute, 2001), Page 426

**ANALYSIS AND CONCLUSION (continued)**

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**I. Comparable Land Sales Analysis (continued)**

**3. Size Adjustment:**

Comparable Land Sale #1 is larger than the subject property. Therefore, an upward adjustment of 15% per acre was made to Comparable Land Sale #1. Comparable Land Sales #2 & #3 are smaller than the subject property. Therefore, downward adjustments were made according to size.

**4. Location Adjustment:**

Comparable Land Sale #2 & #3 have inferior locations when compared to the subject property. Therefore, an upward adjustment of 10% per acre was made to Comparable Land Sale #2 & #3.

**5. View:**

Comparable Land Sale #2 & #3 have inferior views when compared to the subject property. Therefore, an upward adjustment of 15% per acre was made to Comparable Land Sale #2 & #3.

**6. Zoning:**

Comparable Land Sale #2 & #3 have residential land use only. Therefore, an upward adjustment of 10% per acre was made to Comparable Land Sale #2 & #3.

**7. City Reputation Adjustment:**

A matched pair was found between Comparable Sale #2 & #3. They are exactly alike except Comparable Sale #2 has an inferior city reputation. Therefore, an upward adjustment of \$5,226 per acre was made to Comparable Sale #2.

**8. Entitlements Adjustment:**

A matched pair was found between Comparable Land Sale #1 & #2. They are exactly alike except Comparable Land Sale #2 was sold without entitlements. Comparable Sale #3 was also sold without entitlements. Therefore, an upward adjustment of \$13,459 per acre was made to Comparable Land Sale #2.

**9. Off-Site Improvements Adjustment:**

All three Comparable Land Sales have similar off-site improvements when compared to the subject property. Therefore, no adjustments were made.

**ANALYSIS AND CONCLUSION (continued)****I. Comparable Land Sales Analysis (continued)****Vacant Land Conclusion for 439.82 Gross Acres (Fee Simple):**

The land sales described in this report were representative of the current market in the subject's neighborhood. These sales allowed for derivation of market adjustments to be applied for differences between the sales and subject property. The results from the grid indicated a range of \$34,998 per acre with an adjusted price per acre of \$34,998 for the subject property.

Reliability factors from 1 to 10, 10 being the most comparable, were assigned to the comparable sales. The sales were rated for reliability on the basis of size and number of adjustments. Adding these factors together and dividing individually indicated a percent contribution for each sale. Multiplying these contributions by the adjusted sale value indications per acre indicated a dollar contribution per sale. Adding these dollar contributions together indicated a dollar per acre value for the subject site. The market value indication of the site can therefore, be calculated as follows:

<b>439.82 Gross Acres</b>	<b>X</b>	<b>\$34,998</b>	<b>=</b>	<b>\$15,392,820</b>
<b>"As Is" Market Value – Fee Simple (rounded)</b>			<b>=</b>	<b>\$15,393,000</b>

**CURRENT LISTINGS (unadjusted)**

<b>Location</b>	<b>Size</b>	<b>Price/Acre</b>	<b>List Price</b>	<b>Status</b>
<b>Marriot, Utah</b>	<b>25.70 Acres</b>	<b>\$89,494</b>	<b>\$2,300,000</b>	<b>Active</b>
<b>Santaquin</b>	<b>80 Acres</b>	<b>\$50,000</b>	<b>\$4,000,000</b>	<b>Active</b>
<b>Garden City</b>	<b>75 Acres</b>	<b>\$47,160</b>	<b>\$3,537,000</b>	<b>Active</b>

## ANALYSIS AND CONCLUSION (continued)

**II. Land Residual Technique ( Fee Simple) – “To finished lot status”****A. Cost of Production Analysis**

Production cost is the cost of construction at current prices of an exact duplicate, or replica, using the same materials, construction standards design, layout, and quality of workmanship, and embodying all the deficiencies, superadequacies, and obsolescence of the proposed subject Parcel improvements. In the analysis of the cost to develop subdivision Parcels (as if complete and ready for sale), the following have been recognized:

**1. The “as is” market value of the land by Direct Sales Comparison.****2. Construction Costs:**

- a. Hard costs: Direct development costs associated with labor and materials of construction of streets, utilities (on and off site) and any other physical improvements.
- b. Soft costs: Indirect development costs associated with non-construction items such as land planning, engineering, marketing, municipal fees, appraisal, financing fees, interest and other entitlement costs.

**3. Developer’s Profit:** That profit level necessary to induce a typical developer to undertake the necessary approval, planning and construction to the point of completion of the Parcel subdivision of a given type.**4. Cost Data Source:**

Typical developer’s cost estimates, as determined by local contractor bids and developer quotes and are utilized with reference to the “Marshall Valuation Service”, published by Marshall and Swift Publication Company, is a nationally recognized cost estimating company located in Los Angeles, California. The costs calculated by this method represent a typical bidding target range. These costs are updated regularly to reflect changes and differences in construction costs by class of construction and location. This method estimates direct and indirect costs associated with construction development as noted below.

The cost of replacing a property is generally estimated on a square foot basis. The value of the land is then added to the replacement cost estimate. **This cost estimate includes the average architect’s and engineers fees, including plans, plan check, building permits and survey to establish building lines and grades; also, normal interest on building funds during the period of construction and processing fees or service charges are included as well as sales tax on materials, normal site preparation, including excavation for foundation and back-fill, as well as, utilities from structure to lot line are figured for typical set-backs. The contractor’s overhead and profit, including job supervision, workmen’s compensation, fire and liability insurance, unemployment insurance and so forth are all included.**



**ANALYSIS AND CONCLUSION (continued)**

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**II. Land Residual Technique ( Fee Simple)**

**A. Cost of Production Analysis (continued)**

**4. Cost Data Source: (continued)**

All other hard and soft costs to develop the land from its “as is” status will be taken into consideration in the cost of production. Additional costs, not included in the Valuation Service, such as entrepreneurial profit, are estimated and are being included as additional indirect costs.”

**5. Improvement Valuation (Per Parcel)**

The developer’s cost estimates will be utilized to develop the cost of production cost estimate as cross-referenced by “The Marshall Valuation Service.”

**ANALYSIS AND CONCLUSION (continued)****II. Land Residual Technique (Fee Simple - continued)****A. Cost of Production Analysis Calculations for 248 Residential Lots****Developer's Cost of Production Analysis (To Completion but Prior to Sell Off)**

<b>Hard Cost</b>		<b>Subtotal</b>	<b>Total</b>
• <b>Off-Site Street Improvements</b>	<b>Included</b>		
• <b>On-Site</b> (cost to produce 248 residential lots)	<b>\$24,800,000</b>		
• <b>Golf Course Amenity Contribution (124 Lots)</b> See Page 38 for contribution calculations	\$787,400		
<b>Subtotal On-Site Costs</b>	\$25,587,400		
<b>Total of Hard Costs</b>		<b>\$25,587,000</b>	
<b>Soft Costs</b> (not already included in hard costs)	\$250,000		
<b>Total Soft Cost</b>	\$250,000	<b>\$250,000</b>	
<b>Total Hard &amp; Soft Costs</b>			<b>\$25,837,000</b>
Developer's Incentive (10% of Hard and Soft Costs)		<b>\$2,583,700</b>	
<b>Total Development Costs</b>			<b>\$28,420,700</b>
Plus: Land Value (439.82 Acres)*	\$15,393,000		
Plus: Developer's Incentive (10% of Land Value)	\$1,539,300		
Market Value Indication Via Cost of Production for 248 Finished Lots			\$43,813,700
<b>Rounded Bulk or Wholesale Value Indication for 248 Finished Lots</b>			<b>\$43,814,000</b>

It is concluded that the wholesale or bulk market value indication by the cost approach of the subject 248 Finished Lots "as if complete" is as follows:

<b>TOTAL WHOLESALE OR BULK VALUE BY COST</b>	\$43,813,700
<b>TOTAL VALUE INDICATION FOR SUBJECT 248 Finished Lots (rounded)</b>	<b>\$43,814,000</b>

\*The reader will note the prospective cost of production as of 12/31/12 is estimated to be \$48,022,000. The difference between the current cost of production and the prospective cost of production is due to a mark-up on the land during the 3 year holding period.

**ANALYSIS AND CONCLUSION (continued)****II. Land Residual Technique (Fee Simple – continued)****A. Aggregate Retail of Finished Lot using the Sales Comparison Technique.**

The “As Is” Market Value of the vacant land will be estimated by comparison of similar sales in the local market area. The Sales Comparison Approach is a method estimating market value, where the subject property is compared with similar type properties that have recently sold. It is based on the economic principle that a prudent purchaser will not pay more for a property than the price of an equally desirable subject property would bring in the open market at that approximate point in time. Essentially, the sales comparison approach is a systematic procedure for carrying out comparative shopping. The premise is that the market will determine the price for the property being appraised in the same manner it determines the price of comparable competitive properties. Founded on the principle of substitution, this approach depends on detailed analysis of recent sales, current listing, purchase options, and offers to purchase as indicators of market attitudes concerning the ability of similar properties to satisfy anticipated objectives. Preferably all comparable sales are in the same or similar areas.

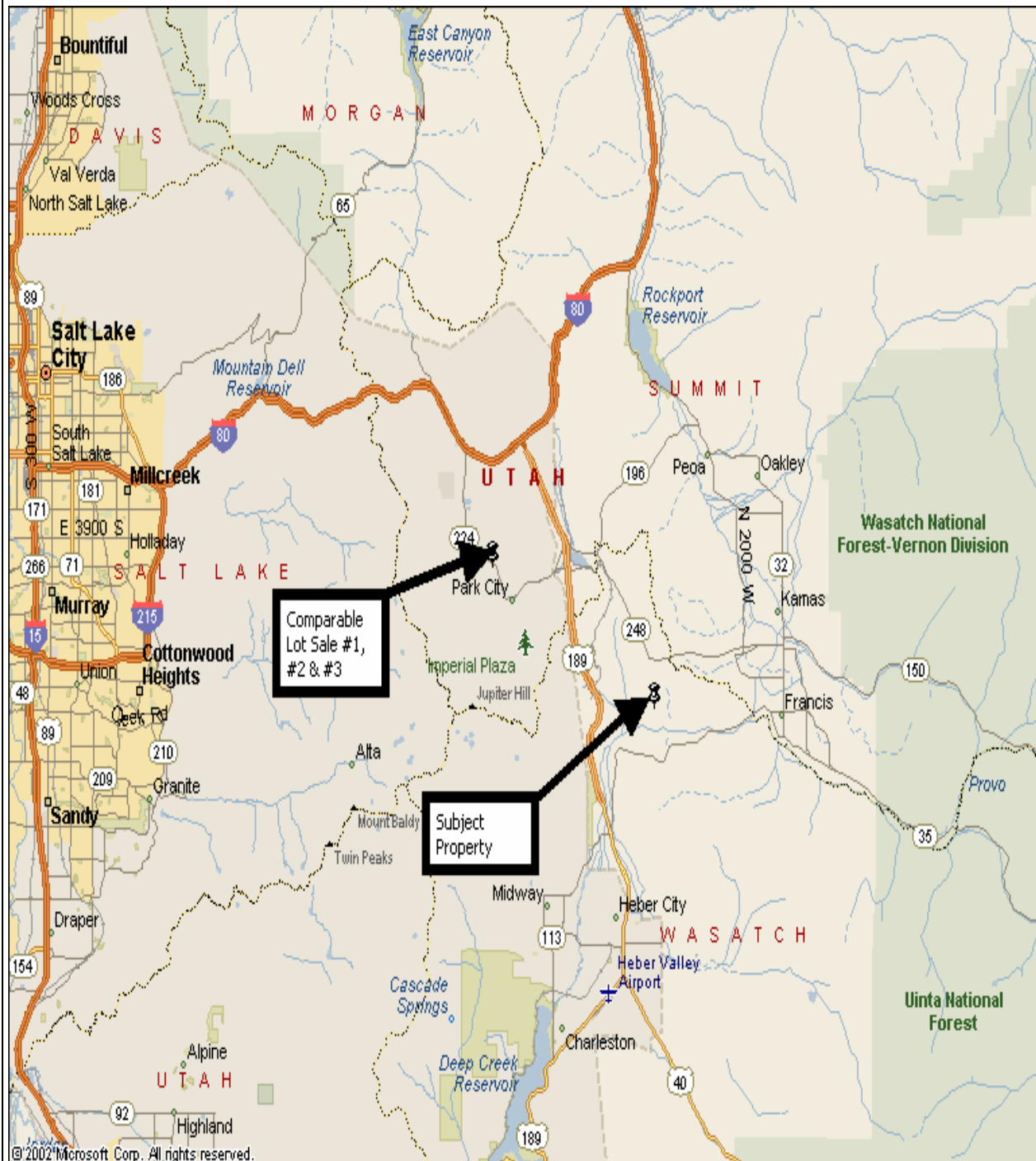
In using the Sales Comparison Approach, an attempt is made to simulate the price each comparable property would sell for on the date of the subject appraisal if it were identical to the subject property. Since no two properties are identical, this simulation normally requires sufficient market analysis to discern variances between the properties and the magnitude of adjustments to be made of dissimilarities. The subject and specific comparable properties are then compared with percentage adjustments made for differences. Adjustments are typically necessary for the passage of time, as well as, for differences in physical, functional, or locational characteristics. The outcome on value of these differences is discussed in the analysis portion of this approach.

To apply the Sales Comparison Approach, an appraiser follows a systematic procedure:

1. Research the market to obtain information on sales transactions, listing and offerings to purchase properties similar to the subject.
2. Verify the information by confirming that the data obtained is factually accurate and that the transactions reflect arms length market consideration.
3. Select relevant units of comparison (e.g., dollars per acre, per square foot, or per multiplier) and develop a comparative analysis for each unit.
4. Compare the subject property and comparable sale properties using the elements of comparison and adjust the sale price of each comparable appropriately or eliminate the property as a comparable.
5. Reconcile the various value indications produced from the analysis of comparables into a single value indication or a range of values. An imprecise market may indicate a range of values.

The units of comparison for sales of finished lots are the price per lot. Interviews with various brokers and realtors during the search for comparable sales and listings confirmed the utilization of these factors.

## COMPARABLE LOT SALES MAP



### FINISHED LOT SALE COMPARISON #1



<b>Location:</b>	2504 Palomino Trail , Park City, Utah
<b>Date of Sale:</b>	<b>11/10/05</b>
<b>Documentation:</b>	Doc 1750-710
<b>Buyer:</b>	<b>Kent Schlopy</b>
<b>Seller:</b>	Promontory Development
<b>Sale Price:</b>	\$495,000
<b>Property Rights</b>	
<b>Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Conventional
<b>Cash Equivalency:</b>	\$495,000
<b>Conditions of Sale:</b>	Arms length transaction.
<b>Market Conditions:</b>	Unstable
<b>Lot Size:</b>	37,026 SF
<b>Topography:</b>	Mostly Level
<b>Utilities:</b>	All public utilities appear to available to the site.
<b>Zoning:</b>	Residential
<b>Unit Price Per/Lot:</b>	\$495,000
<b>Comments:</b>	Promontory Development is a resort/country club community located in Park City approximately 15 miles north of the subject property. Amenities and view are considered similar, however, location and neighborhood reputation are superior when compared to the subject property. This sale was confirmed by the on-site sales broker.



<b>FINISHED LOT SALE COMPARISON #2</b>
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<b>Location:</b>	3051 Saddleback Ridge, Park City, Utah
<b>Date of Sale:</b>	<b>4/14/05</b>
<b>Documentation:</b>	Doc 1692-1267
<b>Buyer:</b>	<b>Duetsche Bank</b>
<b>Seller:</b>	Red Ledges Promontory Development
<b>Sale Price:</b>	\$403,000
<b>Property Rights</b>	
<b>Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Conventional
<b>Cash Equivalency:</b>	\$403,000
<b>Conditions of Sale:</b>	Arms length transaction.
<b>Market Conditions:</b>	Unstable
<b>Lot Size:</b>	43,996 SF
<b>Topography:</b>	Mostly Level
<b>Utilities:</b>	All public utilities appear to available to the site.
<b>Zoning:</b>	Residential
<b>Unit Price Per/Lot:</b>	\$403,000
<b>Comments:</b>	Promontory Development is a resort/country club community located in Park City approximately 15 miles north of the subject property. Amenities and view are considered similar, however, location and neighborhood reputation are superior when compared to the subject property. This sale was confirmed by the on-site sales broker.



**THE INCOME APPROACH****FINISHED LOT SALE COMPARISON #3**

<b>Location:</b>	7547 Sage Meadow Road, Park City, Utah
<b>Date of Sale:</b>	7/13/05
<b>Documentation:</b>	Doc 1715-1470
<b>Buyer:</b>	<b>First Horizon</b>
<b>Seller:</b>	Promontory Development
<b>Sale Price:</b>	\$452,000
<b>Property Rights Conveyed:</b>	Fee Simple Interest
<b>Financing:</b>	Conventional
<b>Cash Equivalency:</b>	\$452,000
<b>Conditions of Sale:</b>	Arms length transaction.
<b>Market Conditions:</b>	Unstable
<b>Lot Size:</b>	47,045 SF
<b>Topography:</b>	Mostly Level
<b>Utilities:</b>	All public utilities appear to available to the site.
<b>Zoning:</b>	Residential
<b>Unit Price Per/Lot:</b>	\$452,000
<b>Comments:</b>	Promontory Development is a resort/country club community located in Park City approximately 15 miles north of the subject property. Amenities and view are considered similar, however, location and neighborhood reputation are superior when compared to the subject property. This sale was confirmed by the on-site sales broker.

## THE INCOME APPROACH

**FINISHED LOT SALES COMPARISON GRID**  
**(As of 12/31/12) "As If Complete"**

FACTOR	SUBJECT	NO. 1		NO. 2		NO. 3	
Location	Talisman Development	2504 Palomino (Promontory Development)		3051 Saddleback Promontory Development)		7547 Sage Meadow Promontory Development	
City	Jordanelle Basin	Park City		Park City		Park City	
Date of Sale	12/31/12	11/05		4/05		7/05	
Sale Price	\$367,000	\$495,000		\$403,000		\$452,000	
Lot Size	39,204 SF (Average)	37,026 SF		43,996 SF		47,045 SF	
Price per Lot	\$367,000	\$495,000		\$403,000		\$452,000	
CHARACTERISTIC SUBJECT							
Property Rights	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Financing Terms	Cash	Cash		Cash		Cash	
Conditions of Sale	Arm's Length	Arm's Length		Arm's Length		Arm's Length	
Market Conditions	Prospective - Stable	Negative	+10%	Negative	+10%	Negative	+10%
Adjusted Price/Lot	\$367,000	\$495,000		\$403,000		\$452,000	
PHYSICAL ADJUSTMENTS							
Size	39,204 SF (Average)	37,026 SF	+10,000	43,996 SF	(10,000)	47,045 SF	(15,000)
Location	Good	Superior	(40,000)	Superior	(40,000)	Superior	(40,000)
View	Good	Superior	(68,000)	Inferior	+44,000	Good	-0-
Neighborhood Reputation	Good	Superior	(30,000)	Superior	(30,000)	Superior	(30,000)
Location within the subdivision	Average	Average	-0-	Average	-0-	Average	-0-
Amenities	Yes	Similar	-0-	Similar	-0-	Similar	-0-
ADJUSTMENTS							
Size	+10,000(10,000); (15,000),	505,000		393,000		437,000	
Location	(40,000)	465,000		353,000		397,000	
Neighborhood Reputation	(30,000)	435,000		323,000		367,000	
View (1 & 3); (2 & 3)	(68,000); +44,000	367,000		367,000		367,000	
Net Adjustment		(128,000)		(36,000)		(85,000)	
Adjusted Unit Price	\$367,000	\$367,000		\$367,000		\$367,000	
WEIGHTED VALUES							
Reliability (1-10)		8		8		8	
Contribution (%)		0.3333		0.3333		0.3333	
Contribution (\$)	\$367,000	\$122,333		\$122,333		\$122,334	

## THE INCOME APPROACH

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### THE SALES COMPARISON APPROACH TO VALUE (continued)

#### A. Typical Finished Lot Value Analysis (continued)

##### 1. Sales Comparison Analysis

###### a. Property Rights, Financing Terms and Conditions of Sale:

All comparable site sales were sold or listed as Fee Simple Estates. Financing terms for the sales represented cash or its equivalent to the sellers. Lastly, Conditions of Sale were based on an arm's length basis. These three characteristics of the sale properties are equal to the assumptions being applied to the subject property. Consequently, no adjustments were necessary for these three characteristics of the sale properties.

###### b. Time and Market Conditions:

Market Value estimates assume an open and competitive marketplace. Current market conditions leading up to the date of appraisal have been a period of increasing market activity. Proper analysis of sales transactions in comparison to the subject is for circumstances to parallel the definition of Market Value. To the extent that any of the conditions of a sale differ substantially from the elements in the definition, without appropriate adjustment, the transaction fails as evidence of Market Value. The subject property is being appraised as of a prospective date 12/31/12 at which time market conditions are predicted to be more stable than current market conditions. All three comparable sales were sold during stable market conditions. Therefore, no adjustments were made.

###### c. Size Adjustment:

Comparable lot sale #2 & #3 are larger than the subject property. Comparable Sale #1 is smaller than the subject. Therefore, adjustments were made according to size.

###### c. Location:

All three Comparable Lot Sales have superior locations when compared to the subject property. Therefore, a downward adjustment of \$40,000 per lot was made to all three Comparable Lot Sales.

###### d. Neighborhood Reputation:

All three Comparable Sales have superior neighborhood reputations. Therefore, a downward adjustment of \$30,000 per lot was made to all three Comparable Sales

###### e. View Adjustment:

A matched pair was found between Comparable Lot Sale #2 & #3. They are exactly the same except Comparable Lot Sale #2 has an inferior view. Therefore, an upward adjustment of \$44,000 per lot was made to Comparable Sale #2. Another matched pair was found between Comparable Lot Sale #1 & #3. They are exactly alike except Comparable Sale #1 has a superior view. Therefore, a downward adjustment of \$68,000 per lot was made to Comparable Lot Sale #1.

**THE INCOME APPROACH****THE SALES COMPARISON APPROACH TO VALUE** (continued)**A. Typical Finished Lot Value Analysis** (continued)**Typical Finished Lot Value Conclusion**

The lot sales described in this report were representative of the current market in the subject's neighborhood. These sales allowed for derivation of market adjustments to be applied for differences between the sales and subject property. The results from the grid indicated a range of \$367,000 per lot with an adjusted price per lot of \$367,000 for the subject site.

Reliability factors from 1 to 10, 10 being the most comparable, were assigned to the comparable sales. The sales were rated for reliability on the basis of size and number of adjustments. Adding these factors together and dividing individually indicated a percent contribution for each sale. Multiplying these contributions by the adjusted sale value indications per acre indicated a dollar contribution per sale. Adding these dollar contributions together indicated a dollar per lot value for the subject site. The market value indication of the typical finished lot can therefore, be calculated as follows:

<b>Per Finished Lot Value Indication by Comparable Sales Analysis</b>			<b>=</b>	<b>\$367,000</b>
<b>AGGREGATE RETAIL OF 248 FINISHED LOTS</b>	<b>X</b>	<b>\$367,000</b>	<b>=</b>	<b>\$91,016,000</b>

**\$91,016,000 (\$367,000/Finished Lot)**

**(NINETY ONE MILLION SIXTEEN THOUSAND DOLLARS)**

## THE INCOME APPROACH

### C. Discounted Cash Flow Analysis to solve for the “As If Complete” Bulk or Wholesale Market Value of 248 Finished Lots

The method is referred to as yield capitalization because it analyzes whether an investment property will produce the particular level of profit or yield required. The discounted cash flow assumptions are contained below.

#### Discounted Cash Flow and Land Residual Assumptions

<b>Date of Appraisal:</b>		December 31, 2009
Holding Period: Finished Lot Status		10 Years; From Completion to Sell-Out
Holding Period: Blue Top Lot Status		10 Years; Raw Land to Sell-Out
Number of Lots	248	
Average Price Per Lot	\$367,000	
Total Aggregate Retail	\$91,016,000	Aggregate Retail Value
Annual Appreciation	-0-	CPI & Inflation as offset
Appreciation Rate	-0-	CPI & Inflation as offset
Present Value Factor		12% Bulk; 15% (Land Residual)

#### 1. Discounted Cash Flow Calculations

The following pages contain discounted cash flow income and expense calculations related to the subject's 248 finished lots “as if complete” and ready for sale upon the effective date of the appraisal as well as the “as is” Market Value of 439.82 acres. These calculations will produce the “as if complete” bulk or wholesale market value of the 248 finished lots and the “as is” Market Value of the 439.82 Acres.

**THE INCOME APPROACH**

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**B. "As If Complete" Bulk or Wholesale Value of the 248 finished Lots (continued).**

INSERT DISCOUNTED CASH FLOW HERE



**THE INCOME APPROACH**

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**B. "As Is" Market Value of 439.82 Acres, (continued)**

INSERT DISCOUNTED CASH FLOW HERE

**THE INCOME APPROACH**

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**C. “As If Complete” Bulk or Wholesale Market Value of 248 Finished Lot Value  
Analysis as of prospective date 12/31/12 (continued)**

INSERT DISCOUNTED CASH FLOW HERE

**RECONCILIATION****RECONCILIATION AND FINAL ESTIMATE OF VALUE (Fee Simple)**

• Sales Comparison Approach “As Is”	<b>\$15,393,000</b>
• Land Residual Technique “As Is”	<b>\$15,307,000</b>

Reconciliation involves analysis of the quantity and quality of all data in the report. The advantages, relevance, and market support for each of the approaches to value was considered. Conclusions were derived throughout the report explaining any discrepancies using reasonable judgment, tying it all together and relating the results to the subject property. Because the real estate market is imperfect, complete agreement of the approaches is not necessary. However, reasonable conclusions were reached using the groundwork established in the appraisal report.

The purpose of this appraisal is to estimate and report my opinion of the subject property’s “as is” MARKET VALUE of 439.82 Acres of vacant land if it were sold to an individual buyer. In the Sales Comparison Approach to value, the use of the Comparable sales for the valuation of vacant land is considered to provide a solid indication of value provided that recent sales can be found with which to compare the subject. A thorough search was conducted in the local Multiple Listings Service, First American Title Win2Data, and COSTAR COMPS for any evidence of vacant land market value during the past 18 months.

The Land Residual Approach is a good indication of land value and economic feasibility. Subtracting the hard and soft costs of development as well as the developer’s profit, from the present value of the future benefits indicates a residual to raw vacant land. The Sales Comparison Approach was given the most weight when estimating market value for this appraisal.

Therefore, based upon my investigation and analysis of the data gathered with respect to this assignment, I have formed the opinion that the “AS IS” MARKET VALUE of the subject property’s fee simple interest, as of the effective date December 31, 2009, is measured in the amount of:

**\$15,350,000\* (\$34,901/Acre)**

**(FIFTEEN MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS)**

**Allocated:**

155 Acres of Golf Course Land	\$ 775,000 (\$5,000/Acre)
284.82 Acres Residential Land	<u>\$14,575,000 (\$51,173/Acre)</u>
439.82 Acres Total	<b>\$15,350,000 (\$34,901/Acre)</b>

\*Based on hypothetical conditions, extraordinary assumptions and major highest and best use conclusions found in the letter of transmittal. If any of the hypothetical conditions, extraordinary assumptions and major highest and best use conclusions proves to be false, the indicated value could be highly.

**ADDENDA**

**CURRICULUM VITAE OF THE APPRAISER**

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**RAYMOND L. DOZIER, MAI**  
DOZIER APPRAISAL COMPANY  
Resort and Urban Property Appraisers  
73-350 El Paseo, Suite 206  
Palm Desert, California 92260  
Telephone (760) 776-4200  
Fax (760) 776-4977  
E-Mail dozierappraisal@dc.rr.com

**Education:** University of Kentucky, B.A., 1974  
Business Administration and Economics

Law Student, JD Candidate,  
Saratoga University

**Professional:** MAI Member, Appraisal Institute  
Committee Member, Experience Review for MAI Designation  
Member, International Council of Shopping Centers (ICSC)  
Member, National Association of Realtors  
Member, California Association of Realtors  
Member, Certified Divorce Planners

**Expert**  
**Witness:** Superior Court of California  
U.S. District Court  
Federal Bankruptcy Court

**Licenses:** State of California Certified General Real Estate Appraiser #AG004590  
State of California Real Estate Broker #01173680

**Experience:** Commercial Appraiser - Associate with 1972-1980  
R.W. Karlee, MAI  
Dozier Appraisal Company, Resort & Urban 1980 -  
Property Appraiser - Owner

**Faculty:** Guest Instructor: University of Kentucky; Courses Taught Corporate Finance and  
The Time Value of Money.

**Continuing**  
**Education:** Subdivision Analysis; Litigation Valuation; Discounted Cash Flow; Economy and Local  
Trends; Architecture and Construction; FIRREA Law; Current Issues in Appraising;  
Summary and Restricted Reports; Special Purpose Property Appraisals – Going-Concern  
& Business Value; Subdivision Analysis; Fast Food Restaurant Valuation; “Benefits” in  
Eminent Domain Property Valuations; Attacking & Defending an Appraisal in Litigation;  
Master Planned Communities Skilled Nursing Facilities; Valuation of Detrimental  
Conditions; Real Estate Fraud and Appraiser’s Role.

DOZIER APPRAISAL COMPANY

Page 2 - Curriculum Vitae of the Appraiser

**Partial List of Clients:**

**Legal and Accounting Firms:**

Pillsbury, Madison & Sutro - L.A.  
Rutan & Tucker - Costa Mesa, CA  
Scott J. Zundel

Schlecht, Shevlin & Shoenberger  
Murphy, Pearson, Bradley & Feeney - San Francisco  
Best, Best & Krieger

**Lending Institutions:**

El Dorado Bank  
American Commerce Bank  
Home Savings of America  
First Security Mortgage  
Salt Lake City, Utah  
Wells Fargo Bank  
Palm Springs Savings Bank  
First Community Bank  
Palm Desert National Bank  
Bank of the Desert  
Bank of California  
Transco Mortgage Company  
Bank of Los Angeles

Union Bank  
Valley National Bank of Arizona  
Manufacture's Bank  
PFF Bank & Trust  
(Formerly Pomona First Federal)  
First Security Bank  
Farmer's Merchant Bank - Long Beach  
Riverside National Bank  
San Diego National Bank  
Mitsubishi Bank, LTD  
Midland Financial - Clearwater, FL  
First Interstate Bank  
Mitsubishi Bank, LTD

**Government Agencies:**

Bureau of Indian Affairs  
Bureau of Land Management ( BLM )  
Palm Springs California Edison  
Southern California Edison  
Southern California Gas  
City of Rancho Mirage  
City of Coachella  
City of Indio  
City of Palm Springs  
County of Riverside  
U.S. Department of Agricultural  
City of La Quinta  
Riverside County Housing

City of Cathedral City  
RTC - Contract  
City of Palm Desert  
City of Moreno Valley  
FDIC  
Department of Indian Affairs  
Sacramento, CA  
City Indian wells  
Farmer Home Administration  
State of California Department of Ins.  
SBA Regional Office  
Federal Aviation Administration (FAA)  
Riverside County Flood Control

**Schools:**

Desert Sands Unified School District  
Morongo Unified School District  
Palm Springs Unified School District

**Utilities:**

Coachella Valley Water District  
Morongo Water District  
Cal - Trans  
Desert Water Agency



Page 3 - Curriculum Vitae of the Appraiser

**Hospitals:**

Eisenhower Medical Center  
JFK Memorial Hospital  
Riverside General Hospital  
Desert Hospital

**Corporations:**

Bechtel Corporation  
Motion Picture & TV Fund

**Non-Profit Organizations:**

Berger Foundation  
Joseph Drown Foundation

**Insurance Companies:**

Republic Western, Scottsdale, AZ

**Real Estate Development & Engineering:**

Wessman Construction Company  
American Properties Funding  
Del Webb California Corporation  
Lowe Development  
Ocean Properties - San Diego  
Oliphant & Lizza, Development Group

Strother Construction Company  
Regency Homes - Peter Soloman  
Orr Construction  
Aqua Caliente Band of Cahuilla Indians  
Ruby Broadcasting Company

**Appraisal Functions Include:**

Acquisitions, Bankruptcy, Bond Financing, Condemnation, Construction Defect, Disposition and Liquidation Decision Making, Abundance of Caution for Federally Related Transaction, Donation, Estate Tax Appeal, Exchange, Excess Land, Determination of Economic Feasibility and Market Absorption, Foreclosures, Litigation, Real Property Tax Appeal, Negotiation, Partnership Dissolution, Portfolio Review for Non-Profits, Redevelopment, Lending for Real Property and Going Concern, Group Rental for Long Term Leases, Determining Highest and Best Use of Undeveloped Acreage, Claims of Damage to Real Estate Caused by Other Party, USPAP Compliance Appraisal Review.

**Typical Appraisal Assignments:**

**Public:**

Airport Expansions, Assessment Districts, Electrical & Access R/W's, Flood Control Projects, Park Sites, Subterranean Pipeline Easements, Golf Courses, Proposed Prison Sites, Public Right -of - Way Dedications, Railroad R/W's, School Sites, Temporary Easements, Urban and Rural Mountainous Land, Indian and Leaseholds and Lease Fees, Mountainous Communication Tower Sites, IRS seizures on Questionable Properties, Desert Lands, Accretion Interests Caused By Changing River Courses, and RTC Deposition for Auctions.

**Private:**

Drug Rehab Centers, Cold Storage Facilities, Mobile Home Parks, Day Care Centers, Mini-Storage, Newspaper Buildings, Proposed Service Station, Car-washes, Apartment Complexes, Medical Office Buildings, Neighborhood & Community Shopping Centers, Residential and Commercial Subdivisions, Restaurant Going - Concern, Undeveloped Acreage, Highest and Best Used Studies, Highway Patrol Facilities, Churches, Special Purpose Properties, Trucking, Distribution Facilities, Golf Course Properties, Proposed Time-Share Developments, Aggregate Retail and Bulk or Wholesale Values of proposed Subdivision Developments, Retrospective Real Property Valuations, Motels, Parking Lots, Gypsum Mine Acres, Clothing Optional Resorts, R & D Industrial Facilities, Historical Buildings, Agricultural Going - Concern, Riverfront Properties, Ranch's and Equestrian Centers, Thoroughbred Racehorse Farms, Sports Clubs, Multi -Screen Movie Theaters, High-rise Office

Buildings, Planned Unit Developments (PUD's), to Estimate Liquidation Value for Forced Sale or Auction Proceedings, Recreation Properties, Campgrounds, and Cemeteries.  
Page 4 - Curriculum Vitae of the Appraiser

**Interest and Value Types Appraised:**

Fee Simple Estate

Leased Fee Estate

Lease Hold Estate

Sandwich Leasehold Estate

Life Estates

Vertical Estates (Subsurface & Air Rights)

Easements

Partnership Interests

- Joint Tenancy Value
- Tenancy by the Entirety Value
- Tenancy in Common Value

Market Rental Value

Specialized Fractional Ownership

- Condominium Interest
- Cooperative Interest
- Timeshare Interest

Legal Entities Affecting Ownership

- Stock Corporation Market Value
- Land Trust Beneficiary's Partial Interest
- Fixed Assets
  - Tangible Assets Value
  - Intangible Assets Value
  - Financial Assets Value
- General and Limited Partnership Interests
- Equity Syndications
- Closely Held Business
  - Going Concern Value (Real Property & Business Value)
  - Business Value only
- Liquidation Value vs Continued Operation of Business
- Use Value (as opposed to Value in Exchange)

Investment Value (individual's Investment Return Objectives)

Highest and Best Use Analysis Impacting Value

- Economic Feasibility Studies

Eminent Domain (State and Federal Rule)

- Just Compensation Estimates for Public Takings of Private Property Interests
- Determination of the "Larger Parcel"
- Other Legal Matters
  - Valuation of Detrimental Conditions, Construction Defects, etc.
  - Diminution of Value ( Before and After )

**DOZIER APPRAISAL COMPANY**  
**Resort and Urban Property Appraisers**  
**Valuation and financial Consultants**

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73-350 EL PASEO, SUITE 206  
PALM DESERT, CALIFORNIA 92260

RAYMOND L. DOZIER, MAI  
CERTIFIED GENERAL APPRAISER  
LICENSE # AG004590  
STATE TAX ID # 61-1063795

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E-MAIL dozierappraisal@dc.rr.

**COMPANY PROFILE**

Dozier Appraisal Company is a real property and financial consulting firm specializing in litigation consulting and real property/business valuation services. Founded in 1980 as a real property /business valuation firm, Dozier Appraisal Company consists of a team of dedicated professionals with experience in financial and economic analysis, real property valuation, business valuation, condemnation, damage analysis and related disciplines.

**REAL PROPERTY AND BUSINESS VALUATIONS SERVICES**

Dozier Appraisal Company has extensive expertise in valuation of all types of complex real property interests and of close-held businesses. The firm provides assistance in valuation matters for:

Real Property

- Estates; Private Lending
- Commercial Lending
- Eminent Domain Proceedings
- Highest and Best Use Analysis
- Partial Interest Valuation
- Economic Feasibility
- Market Rental and Absorption

Businesses

- Marital Dissolution
- Community Property Settlement
- Partnership or Corporate Dissolution
- Estate, Gift and Other Tax Matters
- Stock Contributions to Charitable Organizations
- General Business Litigation

The firm has completed more than two thousand valuation assignments covering wide spectrum of industries including:

- Resorts
- Agriculture
- Contracting
- Distribution
- Financial Services
- Public Agencies
- Hospitality
- Manufacturing
- Professional Practice
- Retail
- Sports & Leisure
- Services

## Page 2 – Company Profile

In addition, Dozier Appraisal Company has expertise in valuing intangible business assets, including:

- Going Concern Value
- Goodwill
- Existing Contracts
- Brand Names & Registered Trademarks
- Affiliation Agreements
- Franchises
- Firm Rights
- Copyrights
- Leasehold Interests
- Licenses
- Patents
- Employment Contracts
- Mailing Lists
- Water Rights
- Tax Credits for Past Losses

The Philosophy of Dozier Appraisal Company is to provide thoroughly, objective valuation analysis of real property interest and closely-held companies. The firm accepts many of its valuation assignments by stipulation of the parties to a legal proceeding in which the value of real property or business interests are at issue. Appraisals prepared by Dozier Appraisal Company have been successfully defended in the courts many times.

### **Community Property Matters**

The valuation of a going business or professional practice in a community property division is a complicated process requiring a broad-based knowledge of the laws pertaining to community property business valuations. Although Dozier Appraisal Company does not render legal services, the firm has significant expertise in community property assignments, including the valuation of non-salable professional goodwill and calculations relating to the allocation of business appreciation between community and separate property (Pereira and Van Camp analysis).

### **Eminent Domain Matters**

Dozier Appraisal Company has extensive experience in just Compensation estimates for public takings of private property interests. One of the most critical factors in determining the taking's "before" and "after" market value is the estimation of "what is the Larger Parcel"? Damages to the remainder due to a partial taking can be significant. Consequently, it is critical that the "Larger Parcel" be accurately determined. Dozier Appraisal Company can be instrumental in providing legal counsel consultation in review of opposition's appraisal; suggested line of questioning in valuation matters regarding depositions and trials; and a fair and though explanation of all influences that impact market value.

Page 3 – Company Profile

## **LITIGATION CONSULTING SERVICES**

Dozier Appraisal Company provides a full spectrum of litigation support services to the legal community. The firm's area of expertise includes evaluation of economic damage resulting from business torts, breach of contract, personal injury, wrongful termination and other causes of action. Litigation support services range from document review and preliminary damage calculations to complete financial analysis and research culminating in a formal, written report or expert testimony.

### **Financial and Economic Analysis**

Dozier Appraisal Company provides financial and economic analysis to estimate damages in civil litigation matters. The professional staff of Dozier Appraisal Company has expertise in damage analysis and computing lost profits for many types of cases, including:

- Antitrust
- Breach of Contract
- Business Interruption
- Business Torts
- Copyright Infringement
- Fraud and Embezzlement
- Lender Liability
- Patent Infringement
- Personal Injury
- Professional Liability
- Wrongful Death
- Wrongful Termination

### **Forensic Appraising Services**

The firm performs investigative services in the areas of:

- Tracing separate and community funds
- Searching for unrecorded income
- Analyzing expenses and expenditures
- Reconstruction of incomplete or inaccessible records

### **Other Consulting Services**

In addition to our other services, Dozier Appraisal Company can facilitate discovery, settlement negotiation and trial preparation by:

- Providing economic research
- Reviewing financial documents and selecting key items to be analyzed
- Conducting quantitative analysis for settlement negotiations

Page 4 – Company Profile

**Other Consulting Services (Cont'd)**

- Locating outside information sources
- Preparing questions for and interpreting responses of other financial witnesses
- Assisting in cross examination preparation
- Critiquing opinion and providing rebuttal testimony

**Expert Testimony**

The senior associates at Dozier Appraisal Company have significant litigation experience. The firm's philosophy is to present credible, defensible solutions to financial and economic issues in concise reports or through expert testimony, if required. The use of courtroom quality graphics helps to illustrate our findings in a readily understandable format.



## **ASSUMPTIONS AND LIMITING CONDITIONS**

This appraisal report has been made with the following general and specific assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management is assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in the report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or in arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based.
10. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
11. Possession of this report, or a copy thereof, does not carry with it the right of publication.
12. The appraiser, by reason of this appraisal, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.

Page 2

Assumptions and Limiting Conditions

13. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm, with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
14. Any value estimates provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimated, unless such proration or divisions of interests have been set forth in the report.
15. No legal description or survey was furnished so the appraiser utilized the county tax plat to ascertain the physical dimensions and acreage of the property. Should a survey prove these characteristics inaccurate, it may be necessary for this appraisal to be adjusted.
16. The forecasts, projections, or operation estimates contained herein are based upon current market conditions, anticipated short-term supply and demand factor, and a continued state economy. These forecasts are, therefore, subject to changes in future conditions.
17. The term "Market Value", as used in this report, as agreed upon by federal financial institutions in the United States of America is:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeable, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated.
- Both parties are well informed or well advised, and acting in what they consider their best interests.
- A reasonable time is allowed for exposure in the open market.
- Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto.
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Page 3

Assumptions and Limiting Conditions

18. The appraiser assumes no responsibility for economic, physical or demographic factors which may affect or alter the opinions in this report if said economic, physical or demographic factors were not present as of the date of the letter of transmittal accompanying this report. The appraiser is not obligated to predict future political, economic or social trends.
19. In preparing this report, the appraiser was required to rely on information furnished by other individuals or found in previously existing records and /or documents. Unless otherwise indicated, such information is presumed to be reliable. However, no warranty, either expressed implied, is given by the appraiser for the accuracy of such information and the appraiser assumes no responsibility for information relied upon later found to have been inaccurate. The appraiser reserves the right to make such adjustments to the analyses, opinions and conclusions set forth in this report as may be required by consideration of additional or more reliable data that may become available.
20. No opinion as to the title of the subject properties rendered. Data related to ownership and legal description was obtained from public records and is considered reliable. Title is assumed to be marketable and free and clear of all liens, encumbrances, easements, and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management.
21. The appraiser assumes no responsibility for hidden or unapparent conditions of the property, subsoil, ground water or structures that render the subject property more or less valuable. No responsibility is assumed in arranging for engineering, geological, or environmental studies that may be required to discover such hidden or unapparent conditions.
22. The appraiser has not been provided any information regarding the presence of any material or substance on or in any portion of the subject property or improvements thereon, which material or substance possesses or may possess toxic, hazardous and/or other harmful and/or dangerous characteristics. Unless otherwise stated in the report, the appraiser did not become aware of the presence of any such material or substance during the appraiser's inspection of the subject property. However, the appraiser is not qualified to investigate or test for the presence of such materials or substances. The presence of such materials or substances may adversely affect the value of the subject property. The value estimate in this report is predicated on the assumption that no such material or substance is present on or in the subject property or in such property or in such proximity thereto that it would cause a loss in value. The appraiser assumes no responsibility for the presence of any such substances or materials on or in the subject property, nor for any expertise or engineering knowledge required to discover the presence of such substance or material. Unless otherwise stated, this report assumes the subject property is in compliance with all federal, state and local environmental laws, regulations and rules.

Page 4

Assumptions and Limiting Conditions

23. Unless otherwise stated, the subject property is appraised assuming it to be in full compliance with all applicable zoning and land use regulations and restrictions.
24. Unless otherwise stated, the property is appraised assuming that all required licensees, permits, certificates, consents or other legislative and/or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
25. No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area of the subject property was taken from sources considered reliable and no encroachment of the subject property is considered to exist.
26. No opinion is expressed as to the value of subsidiaries oil, gas, or mineral rights or whether the property is subject to surface entry for the exploration or removal of such materials, except as expressly stated.
27. Maps, plats and exhibits included in this report are for illustration only to serve as an aid in visualizing matters discussed within the report. They should not be considered as survey or relied upon for any other purpose, nor should they be removed from, reproduced or used apart from the report.
28. No opinions are intended to be expressed for matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.
29. Where the discounted cash flow analysis is utilized, it has been prepared on the basis of the information and assumptions stipulated in this appraisal report. The achievement of any financial projections or forecasts will be affected by fluctuating economic conditions and is dependent upon the occurrence of other future events that cannot be assured. Therefore, the actual results achieved may vary from the projections and such variation may be material.
30. Property values are influenced by a large number of external factors. The information contained in the report comprised the pertinent data considered necessary to support the value estimate. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors which might influence the value of the subject property. Due to rapid changes in external factors, the value estimate is considered reliable only as of the effect date of the appraisal.

Page 5

**Assumptions and Limiting Conditions**

31. The liability of Dozier Appraisal Company, its owner and staff is limited to the Client only and to the amount of fees actually paid for the services rendered, as liquidated damages, if any related dispute arises. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the Client, the Client shall make such party aware of all Limiting Conditions and Assumptions of the assignment and related discussions. The Appraiser is in no way responsible for any cost incurred to discover or correct any deficiencies of any type present in the property, physically, financially and/or legally. The Client also agrees that in case of a lawsuit (brought by lender, partner or part owner in any form or ownership, tenancy or any other party), Client will hold appraisers completely harmless for and against any liability, loss, cost or expense incurred or suffered by appraiser in such action, regardless of its outcome.

**Competency Provision**

32. The appraiser undertaking this assignment warrants that he is competent in properly identifying the appraisal problem and has the necessary knowledge and experience to complete the assignment.

**Entire Fee Appraised**

33. At the request of the Client, the valuation reported in the appraisal report relates to the value of the entire fee simple estate considered as whole. This valuation opinion is not divisible into portions of the subject property representing less than the entire fee simple estate. For example, it may not be assumed that half of the fee simple estate has a market value of half of the market value for the entire fee simple estate.

**Appraisal Without Title Policy**

34. A title policy was made available to the appraiser, although the appraiser assumes no responsibility for such items of record not disclosed by the appraiser's customary investigation.

**Soils/Geologic Studies**

35. No detailed soils or geological studies or reports were made available to the appraiser. Premises employed in this report regarding soils and geologic qualities of the subject property have been discussed with the Client and are consistent with the information made available to the appraiser. However, such premises are not conclusive and the appraiser assumes no responsibility for soils or geological conditions discovered to be different from the conditions assumed in this report.

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## Assumptions and Limiting Conditions

### Earthquake Potential

36. The property which is the subject of this appraisal is within a geographic area prone to earthquakes and other seismic disturbances. Except as specifically indicated in the report, no seismic or geological studies have been provided to the appraiser concerning the geologic and/or seismic conditions of the subject property. The appraiser assumes no responsibility for the possible effect on the subject property of seismic activity and/or earthquakes.

### Testimony in Court

37. Testimony or attendance in Court or at any hearing is not required by the reason of this appraisal unless further authorization to fully appraise the property involved is granted to the appraiser at a fee to be determined prior to the commencement of such additional work.

### Structural Deficiencies

38. The appraiser has personally inspected the subject property, and except as noted in this report, finds no obvious evidence of structural deficiencies in any improvements located on the subject property. However, the appraiser assumes no responsibility for hidden defects or non-conformity with specific governmental requirements, such as fire, building and safety, earthquake or occupancy codes, unless inspections by qualified independent professionals or governmental agencies were provided to the appraiser. Further, the appraiser is not a licensed engineer or architect and assumes no responsibility for structural deficiencies not apparent to the appraiser at the time of his inspection.

39. American with Disabilities Act of 1990 ("ADA") became effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

### Termite/Pest Inspection

40. No termite or pest infestation report was made available to the appraiser. It is assumed that there is no significant termite pest damage or infestation, unless otherwise stated.



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Assumptions and Limiting Conditions

**Personal Property Not Appraised**

41. No consideration has been given in this appraisal as to the value of the property located on the premises considered by the appraiser to be personal property, nor has the appraiser given consideration to the costs of moving or relocating such personal property; only the real property has been considered in this appraisal.

**Asbestos**

42. The appraiser is not aware of the existence of asbestos in any improvement on the subject property. However, the appraiser is not trained to discover the presence of asbestos and assumes no responsibility should asbestos be found in or at the subject property. For the purposes of this report, the appraiser assumes the subject property is free of asbestos and that the subject property meets all federal, state, and local laws regarding asbestos abatement.

**Archaeological Significance**

43. No investigation has been made by the appraiser and no information has been provided to the appraiser regarding potential archaeological significance of the subject property or any portion thereof. This report assumes no portion of the subject property has archaeological or historical significance
44. The value stated herein is not considered appropriate for a broad based ownership such as a syndication. It is understood and agreed that the appraisal report of valuation stated herein shall not be relied upon or utilized in any syndication or real estate security registration document.